

# Can Islam Accommodate Homosexual Acts? Qur'ānic Revisionism and the Case of Scott Kugle

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## Contents

I. Introduction .....	2
II. Sexual Orientation, Homosexuality, and Sexuality as Categories.....	4
III. Sexuality in the Islamic Discursive Tradition .....	12
IV. Kugle and the Qur'ān.....	22
<i>Kugle and al-Ṭabarī's Method of "Definition and Substitution"</i> .....	23
<i>Kugle and Semantic Analysis</i> .....	26
<i>Kugle's Thematic Analysis</i> .....	27
V. Comparing <i>Homosexuality in Islam</i> with <i>Progressive Muslims</i> Piece .....	37
VI. Ibn Ḥazm and <i>Homosexuality in Islam</i> .....	39
VII. Sloppy Scholarship .....	44
VIII. Conclusion.....	45
Appendix: Qur'ānic Verses Regarding the People of Lot .....	48
Works Cited.....	55

## I. Introduction

Islam, like other major world religions (with the very recent exception of certain liberal denominations in the West), prohibits categorically all forms of same-sex erotic behavior.<sup>1</sup> Scholars have differed over questions of how particular homosexual acts should be technically categorized and/or punished, but have never differed over the fact of their prohibition. The full and unbroken Islamic consensus on this issue embraces all recorded legal schools, theological persuasions, and historically documented sectarian divisions.

The evidentiary basis underlying Islam's categorical prohibition of *liwāṭ* (sodomy) and other same-sex behaviors lies in explicit proscriptive statements of the Qur'ān and *Ḥadīth*, the transmitted consensus of the Prophet's Companions and Successors, and the documented unanimity of the Islamic legal tradition throughout the ages. Notwithstanding, the past decade and a half has witnessed the rise of Muslim reformist voices, primarily in the West, challenging Islam's proscription of homosexual activity and calling for the religious affirmation of same-gender sexual expression, relationships, and identities. This challenge has consisted not only in a questioning of the probative value of the relevant *ḥadīth* evidence and a disregard for juristic and wider community consensus, but also in the assertion that the Qur'ān itself does not prohibit same-sex relations per se, but only homosexual rape motivated by inhospitality with intent to dishonor. It has been further argued that the Qur'ān should not be taken to prohibit same-sex behaviors categorically since it does not specifically address the abstract modern concept of "homosexuality" as an orientation or, for that matter, the notion of "sexual identity" more broadly.

The present article attends to such revisionist readings of the Qur'ān, particularly as pertains to revisionist efforts to accommodate homoerotic behavior as religiously permissible in Islam. Although a fair amount of research and effort have gone into addressing the Islamic tradition's treatment of homoerotic behavior, analysis has often centered on juridical discussions concerning punishment,<sup>2</sup> medieval

<sup>1</sup> The Sharī'a does not, in fact, distinguish categorically between "same-sex" and "opposite-sex" acts, a late 19<sup>th</sup>-/20<sup>th</sup>-century taxonomy proper to the contemporary West. Rather, it simply distinguishes between licit (*ḥalāl*) sexual relations and illicit (*ḥarām*) ones. This latter category is further broken down into penetrative acts, which include illicit male-female intercourse (*zinā*) as well as male-male sodomy (*liwāṭ*), both of which are classified as major sins (*kabā'ir*), and non-penetrative acts, such as interfemoral intercourse (*mufākhaḍha*), various forms of female-female erotic contact (collectively referred to as *siḥāq* or *musāḥaqa*, Eng. "tribadism," in reference to the "rubbing together" of the female genitalia), and other non-penetrative illicit acts.

<sup>2</sup> See Serena Tolino, "Homosexual acts in Islamic Law: *siḥāq* and *liwāṭ* in the legal debate," *GAIR-Mitteilungen (Gesellschaft für Arabisches und Islamisches Recht e. V.)* 6. Jahrgang

poetry,<sup>3</sup> and exegetical texts.<sup>4</sup> The only sustained attempt to argue for the permissibility of same-sex acts in Islam to date has come from Scott Kugle in both his contribution to the 2003 anthology *Progressive Muslims: On Justice, Gender, and Pluralism*, entitled “Sexuality, Diversity, and Ethics in the Agenda of Progressive Muslims,” and his later book *Homosexuality in Islam: Critical Reflection on Gay, Lesbian, and Transgender Muslims* (2010). Though this article will address both simultaneously, Kugle refers the reader in *Homosexuality in Islam* back to his previously published piece in *Progressive Muslims* for his full argument on certain points. Accordingly, Kugle’s *Progressive Muslims* piece will constitute the focus of this study, with *Homosexuality in Islam* serving as a point of departure for additional arguments not contained in, or altered since, the earlier piece.

The current article begins by evaluating the conceptual basis for Kugle’s Qur’ānic revisionism. This includes his deployment of the notion of “sexuality,” Islam’s purported “sex positivity,” and the Qur’ān’s celebration of diversity, to which Kugle attempts to assimilate a diversity in sexual orientations and related practices. After evaluating this foundation, we proceed to review Kugle’s critique of the *tafsīr* tradition, and in particular the interpretation of the Lot<sup>5</sup> narratives recorded in the work of the famous early exegete Muḥammad b. Jarīr al-Ṭabarī (d. 310/923). From this, we transition into Kugle’s proposed revisionist hermeneutic, which makes use of both what he calls a “semantic analysis” and a “thematic analysis,” evaluating the sources used to develop both heuristics. Finally, we review the contributions of the distinguished Andalusian jurist and belletrist Ibn Ḥazm of Cordoba (d. 456/1064), whose approach and literalist methodology Kugle claims to endorse. The reader should note that the present article follows Kugle’s own order of presentation (particularly in his 2003 piece), which contains a number of preliminary discussions prior to taking up the question of the people of Lot in the Qur’ān. Accordingly, roughly the first half of this article attends to Kugle’s conceptual, terminological, and other preliminaries, while the second half (as of “**IV. Kugle and the Qur’ān**” on p. 22) analyzes his attempted rereading of the Lot narrative.

(2014) and Sara Omar, “From Semantics to Normative Law: Perceptions of Liwāt (Sodomy) and Siḥāq (Tribadism) in Islamic Jurisprudence (8th-15th Century CE),” *Islamic Law and Society* 19 (2012).

<sup>3</sup> See for example Khaled El-Rouayheb, “The Love of Boys in Arabic Poetry of the Early Ottoman Period, 1500 – 1800,” *Middle Eastern Literatures* 8, no. 1 (2005).

<sup>4</sup> See Barbara Zollner, “Mithliyyun or Lutiyyun? Neo-orthodoxy and the Debate on the Unlawfulness of Same-Sex Relations in Islam,” in *Homosexuality and Islam*, ed. Samar Habib (Westwood: Praeger, 2011), which explores the interpretations of various exegetes, arguing that later exegetical works have inherited the hermeneutic of al-Ṭabarī.

<sup>5</sup> I will be referring throughout the paper to the Prophet Lot (‘*alayhi ’l-salām*) without mentioning an abbreviated statement of prayers after his name. May Allah’s peace be upon our Prophet Lot and all of His prophets. Ameen.

## II. Sexual Orientation, Homosexuality, and Sexuality as Categories

In his *Progressive Muslims* chapter, Kugle begins by articulating the “integral relationship between spirituality and sexuality,”<sup>6</sup> later positing Islam as a “sex-positive”<sup>7</sup> religion, particularly when compared to other, ostensibly more repressive and prudish, faiths. Kugle buttresses this view of a purportedly sex-positive Islam on the basis of several considerations, including: (1) the intersectionality of sexuality and spirituality in Islam; (2) the Qur’ān’s treatment of the Adamic fall as resulting from a shared failing of both Adam and Eve, rather than from sex or sexual desire per se; and (3) the Qur’ān’s affirmation of “diversity” as part of God’s signs, a diversity which Kugle will argue should be extended to diverse sexual orientations and related erotic practices.

Kugle proceeds to affirm sexuality as “an indicator of our core being, a sexuality which interweaves thoughts, desires, motivations, acts and psychological and mental well-being,” a definition borrowed from Momin Rahman’s *Sexuality and Democracy*.<sup>8</sup> Kugle later points to the historical and cultural contingency of homosexuality as a category, engaging with essentialist and constructionist responses to the homo/hetero binary and suggesting “queer” (in the 2003 piece) as a superior neologism for describing “sexual orientations and practices”<sup>9</sup> that are distinct from the more common heteronormative sexuality.<sup>10</sup> A similar argument appears in *Homosexuality in Islam*, where Kugle remarks (correctly) that the Islamic tradition never expressed a conception of “sexuality” that exactly parallels modern psycho-social categories, in which one’s sexuality is interpreted as a psychological marker and a central part of one’s being.<sup>11</sup>

<sup>6</sup> See Scott Kugle, “Sexuality, Diversity, and Ethics in the Agenda of Progressive Muslims,” in *Progressive Muslims: On Justice, Gender, and Pluralism*, ed. Omid Safi (Oxford: Oneworld Publications, 2003), 190.

<sup>7</sup> *Ibid.*, 192.

<sup>8</sup> See *ibid.*, 191, where he quotes from Momin Rahman, *Sexuality and Democracy: Identities and Strategies in Lesbian and Gay Politics* (Edinburgh: Edinburgh University Press, 2000).

<sup>9</sup> Kugle, “Sexuality, Diversity, and Ethics,” 199.

<sup>10</sup> In his 2010 book, however, Kugle dispenses with the label queer in order, he explains, to make the work more accessible, as he fears many readers may find the term queer “disorienting, overly intellectual, or polemical” [Scott Kugle, *Homosexuality in Islam: Critical Reflection on Gay, Lesbian, and Transgender Muslims* (Oxford: Oneworld Publications, 2010), 13 (e-book edition, 34)]. Accordingly, he sticks in the later work to the more common terms “gay,” “lesbian,” and “transgender” (specifically excluding “bisexual,” on which see note 17 below), continuously permutating the order in which these elements appear within any given listing throughout the book.

<sup>11</sup> See *ibid.*, 44-46 (e-book, 83-86).

Kugle uncritically endorses contemporary terms and categories related to sex and sexual identities<sup>12</sup> that stand at the core of his entire argument. Yet the willingness to approach such categories from a critical perspective is an unavoidable prerequisite for any serious discussion of the relationship between the Shari‘a and same-sex acts in Islam. Kugle is correct to note that the homo/hetero binary is a recent one and can be accounted for as a product of modernity. In this regard, one in fact finds a layer of complexity when addressing the enterprise of “sexuality” in the pre-modern tradition (both Islamic and otherwise) that is considerably more nuanced than the contemporary Western notions of “sexuality” and “queer” that Kugle endorses. In both the notions of “sexuality” and “queer,” there is an undifferentiated conglomeration of desires, motivations, psychological well-being and, crucially, *acts*. These definitions elide any meaningful distinction between inclinations and behavior—the very distinction which is, however, most relevant to the discourse and moral valuation of the Shari‘a. In addition, Kugle treats sexuality and sexual orientation as predetermined, essential, and immutable, a claim disputed even in contemporary queer studies circles.<sup>13</sup> Though the exact date of the emergence of

the homo/hetero binary is difficult to pinpoint, historians tend to agree that it emerged sometime in the late 19<sup>th</sup> century.<sup>14</sup> Some constructionist scholars have further argued that the conceptual categories of “gay” and “straight” were developed in order more clearly to locate sexual irregularity as a distinct psychological condition.<sup>15</sup>

Though not the main focus of this paper, it is important to distinguish between the constructionist and essentialist approaches precisely because of the way in which Kugle employs the contested essentialist conception of homosexuality in service of his project, a conceptualization that can only anachronistically be applied to the Islamic tradition.<sup>16</sup> Although Kugle acknowledges debates over the historical and cultural contingency of the term “homosexuality” and the corresponding conceptual category, he ultimately endorses “homosexuality” and “heterosexuality” as adequate categories for conceptualizing the psychological makeup of human beings in the sexual and affective realms. Homosexuality is presented as natural and

<sup>12</sup> See Brent Pickett, “Homosexuality,” *The Stanford Encyclopedia of Philosophy* (Fall 2015 Edition), <http://plato.stanford.edu/archives/fall2015/entries/homosexuality/> and Janna L. Horowitz and Michael D. Newcomb, “A Multidimensional Approach to Homosexual Identity,” *Journal of Homosexuality* 42, no. 2 (2002). The Pickett article provincializes the essentialist account of sexual orientations, while the Horowitz and Newcomb piece also draws the essentialist account into serious question.

<sup>13</sup> Queer activist and historian Hanne Blank has argued against essentialism in sexuality. She states, “This new concept [of heterosexuality], gussied up in a mangled mix of impressive-sounding dead languages, gave old orthodoxies a new and vibrant lease on life by suggesting, in authoritative tones, that science had effectively pronounced them natural, inevitable, and innate.” See Hanne Blank, *Straight: The Surprisingly Short History of Heterosexuality* (Boston: Beacon Press, 2012), xv, as well as Michael Hannon, “Against Heterosexuality,” *First Things* (2014), <http://www.firstthings.com/article/2014/03/against-heterosexuality>. Also see Horowitz and Newcomb, “A Multidimensional Approach to Homosexual Identity,” as well as Terry S. Stein, “Social Constructionism and Essentialism,” *Journal of Gay & Lesbian Psychotherapy* 2, no. 4 (1998). Stein writes (p. 29): “‘Homosexual’ and ‘heterosexual’ behavior may be universal; homosexual and heterosexual *identity* and consciousness are modern realities. These identities are not inherent in the individual ... To ‘commit’ a homosexual act is one thing; to be a homosexual is something entirely different (Padgug, 1979, 14).” See also Pickett, “Homosexuality,” where he states: “The third and final problem for the gay liberationist approach was that it often took this category of ‘identity’ itself as unproblematic and unhistorical. Such a view, however, largely because of arguments developed within poststructuralism, seemed increasingly untenable. The key figure in the attack upon identity as ahistorical is Michel Foucault. In a series of works he set out to analyze the history of sexuality from ancient Greece to the modern era (1980, 1985, 1986). Although the project was tragically cut short by his death in 1984, from complications arising from AIDS, Foucault articulated how profoundly understandings of sexuality can vary across time and space, and his arguments have proven very influential in gay and lesbian theorizing in general, and queer theory in particular (Spargo, 1999; Stychin, 2005).”

Pickett continues: “One of the reasons for the historical review above is that it helps to give some background for understanding the claim that sexuality is socially constructed, rather than given by nature. Moreover, in order to not prejudge the issue of social constructionism versus essentialism, I avoided applying the term ‘homosexual’ to the ancient or medieval eras. In ancient Greece the gender of one’s partner(s) was not important, but instead whether one took the active or passive role. In the medieval view, a ‘sodomite’ was a person who succumbed to temptation and engaged in certain non-procreative sex acts. Although the gender of the partner was more important than in the ancient view, the broader theological framework placed the emphasis upon a sin versus refraining-from-sin dichotomy. With the rise of the notion of ‘homosexuality’ in the modern era, a person is placed into a specific category even if one does not act upon those inclinations. What is the common, natural sexuality expressed across these three very different cultures? The social constructionist answer is that there is no ‘natural’ sexuality; all sexual understandings are constructed within and mediated by cultural understandings. The examples can be pushed much further by incorporating anthropological data outside of the Western tradition (Halperin, 1990; Greenberg, 1988).”

<sup>14</sup> Though Kugle and others treat the category of “homosexuality” as axiomatic even in an Islamic context, scholars such as Khaled El-Rouayheb (2005, 2005), Bruce Dunne in “Homosexuality in the Middle East: An Agenda for Historical Research,” *Arab Studies Quarterly* 12, no. 3/4 (1990), and others have argued the merits of a more constructivist approach to sexual categories. For more details, see citations in preceding note, as well as Serena Tolino, “Homosexuality in the Middle East: An analysis of dominant and competitive discourses,” *Deportate, Esuli, Profughe (DEP)*, no. 24 (2014).

<sup>15</sup> Michel Foucault’s works have been central to this discourse, particularly his three-volume *The History of Sexuality*, trans. Robert Hurley, 3 vols. (New York: Pantheon Books, 1980, 1985, 1986).

<sup>16</sup> For a fuller treatment of this topic, see Daniel Haqiqatjou, “Tough Conversations: Explaining the Islamic Prohibition of Same-Sex Acts to a Western Audience,” *Assembly of Muslim Jurists of America (AMJA) 13th Annual Imam Conference* (2016), [https://www.academia.edu/23387050/Tough\\_Conversations\\_Explaining\\_the\\_Islamic\\_Prohibition\\_of\\_Same-Sex\\_Acts\\_to\\_a\\_Western\\_Audience](https://www.academia.edu/23387050/Tough_Conversations_Explaining_the_Islamic_Prohibition_of_Same-Sex_Acts_to_a_Western_Audience).

fundamentally innate to one's makeup. Accordingly, just as God created all human beings with definable characteristics that are celebrated as part of human diversity (e.g., variation in color, gender, etc.), so too should homosexuality—though not, conspicuously, bisexuality<sup>17</sup>—be celebrated as yet another discrete trait demonstrative of this God-given diversity. Moreover, because homosexuality is presented as an entrenched psychic state that lies “deep in the core of the human personality,”<sup>18</sup> critiquing it as “un-Islamic” would, for Kugle, be akin to denouncing a person's skin color or gender as un-Islamic: just as one cannot select one's biological sex or the pigmentation of one's skin, one does not choose his or her sexual disposition.

In evaluating this set of claims, we must begin by asking what is meant by Kugle's description of homosexuality as innate or natural. If by natural Kugle is referring to the popular claim of genetic substantiation (he alludes vaguely to the claimed findings of modern science without, however, citing any particular studies),<sup>19</sup> it should be noted that there exists no proven definitive epigenetic marking that correlates to same-sex attraction or that supports the notion of straightforward biological determinism for sexual orientation.<sup>20</sup> Even if research were to appear at

<sup>17</sup> It is of note that in the Introduction to *Homosexuality in Islam*, Kugle deliberately excludes bisexuality and the subjective experiences reported by self-identified bisexuals from his consideration (essentially removing the “B” from the common acronym “LGBT”). [See Kugle, *Homosexuality in Islam*, 10-13 (e-book, 28-34).] The reason Kugle gives for why, after asserting the objectivity of a fixed dispositional homosexuality, he does not “venture the next step to ask whether God intends some men and women to be dispositionally bisexual” is telling: “To address that question,” he concedes, “would call into question the definitiveness of sexual orientation [emphasis mine] and also the discreteness of gender difference which are assumed by gay men, lesbian women, and transgender people.” (ibid., 12 [e-book, 32]) Further on he states that “[i]n contrast [to gay, lesbian, and transgender persons], dispositional bisexuality challenges the idea that these categories are psychologically firm and socially forceful [emphasis mine].” (ibid.) He concludes his discussion of bisexuality with the frank admission that “[t]herefore, to focus on bisexuality in this study would be to dilute its focus and undermine the political and theological force of its argument [emphasis mine].” (ibid.)

<sup>18</sup> Ibid., 44 (e-book, 83).

<sup>19</sup> Ibid., 47-48 (e-book, 87-88). Kugle refers to “genetic inheritance” and states that through “contemporary science, we are discovering that genetic patterns in our biological material not only determine our outward but also greatly affect psychic disposition.” See also Kugle, “Sexuality, Diversity, and Ethics,” 194, where he avers that “[i]n the light of new biological knowledge about genetics and sociological knowledge about personality development, the traditional answers [regarding the moral and legal status of homosexual acts in Islam] may no longer be convincing.”

<sup>20</sup> See Ed Yong, “No, Scientists Have Not Found the ‘Gay Gene’: The media is hyping a study that doesn't do what it says it does,” *The Atlantic* (Oct. 10, 2015), <http://www.theatlantic.com/science/archive/2015/10/no-scientists-have-not-found-the-gay-gene/410059/> and Pardes Seleh, “Study: No, There's No Evidence Of a ‘Gay Gene’,” *The Daily Wire* (October 15, 2015), <http://www.dailywire.com/news/445/study-no-theres-no-evidence-gay->

some point identifying a genetic marker that corresponds to same-sex attraction, it is unclear by what principle such a correspondence could be used as a moral justification for acting upon said genetic predispositions in Islamic Law. A recent study claims, in fact, that human males have a “genetic, evolutionary impulse to cheat.”<sup>21</sup> Should Islam—or any other ethical system for that matter—therefore permit adulterous relations on the basis of this finding? Commenting on this study, Daniel Haqiqatjou asks, “Based on this, would there be a need to categorize people into identity groups or communities based on that [i.e., a genetic propensity for cheating]? For example, would those with a greater pull to cheat self-identify as “extrasexuals” with everyone else identifying as “intrasexuals”? Would there be “extrasexual pride parades” and an “extrasexual rights movement” that would demand that Islamic and Catholic schools make space for “alternative (read, ‘adulterous’) lifestyles” and give voice to loud and proud cheaters? Would refusal by these institutions then be stigmatized as “extraphobia”? ”<sup>22</sup>

Alternatively, if what is meant by the claim that homosexuality is natural or innate is that people with same-sex attractions experience those feelings outside of their personal election and control, then it can readily be conceded that people do not generally choose their dominant sexual attraction. However, feelings that arise independent of one's conscious choice are not immediately deemed “natural” in many other instances, and if they are, it is certainly not, for that reason, automatically deemed morally valid that they be acted upon. In fact, the Islamic tradition often speaks of temptation as stemming from the self (*nafs*)—an ingrained part of one's being if there ever was one—and the overtures of the self are characterized as requiring discipline and control. For example, God states in the Qur'ān that man was created “anxious” (*halū*<sup>23</sup>) and “weak” (*da'if*).<sup>24</sup> Elsewhere, He says that man is a creature made “of haste” (*min 'ajal*).<sup>25</sup> And in a *ḥadīth*, the Prophet (pbuh) is reported to have stated that the Fire is surrounded by temptation and desires (*huffat*

gene-pardes-seleh. Also Terry R. McGuire, “Is Homosexuality Genetic? A Critical Review and Some Suggestions,” *Journal of Homosexuality* 28, no. 1-2 (1995) and G. Rice et al., “Male Homosexuality: Absence of Linkage to Microsatellite Markers at Xq28,” *Science* 284, no. 5414 (1999).

<sup>21</sup> See Richard A. Friedman, “Infidelity Lurks in Your Genes,” *The New York Times* (May 22, 2015), <http://www.nytimes.com/2015/05/24/opinion/sunday/infidelity-lurks-in-your-genes.html>.

<sup>22</sup> See Daniel Haqiqatjou, “An Open Letter to the Muslim Community in Light of the Orlando Shooting,” *Muslim Matters* (June 16, 2016), <http://muslimmatters.org/2016/06/16/an-open-letter-to-the-muslim-community-in-light-of-the-orlando-shooting/>.

<sup>23</sup> Q. (*al-Ma'ārij*) 70:19.

<sup>24</sup> Q. (*al-Nisā'*) 4:28.

<sup>25</sup> Q. (*al-Anbiyā'*) 21:37.

*al-nār bi'l-shahawāt*).<sup>26</sup> According to another *ḥadīth*, the Angel Gabriel was commanded to look at the Fire, after which he said to God, “By Thy Honor, none shall enter it.” God then ordered that the Fire be surrounded by pleasures and instructed the Angel to look at it once more. Upon seeing the temptation and pleasures surrounding the Fire, Gabriel remarked, “By Thy Honor, I fear none shall be saved from it but that all shall enter it.”<sup>27</sup> Despite constituting part of our human disposition, temptations, the overtures of the *nafs*, and our inherent impatience and anxiety are not things that we may use as an excuse to succumb to sin. Opposite-sex attraction, for example, is experienced by most men and women, but its presence does not legitimate casual intimacy, kissing, or even hugging, for that matter, outside of an Islamically valid legal relationship. Additionally, the impulse to lie, steal, or cheat may strike regularly and without consultation. All such impulses may be conceived of in some way as “natural” (and they certainly befall us absent any conscious choice), yet acting on them is nonetheless prohibited. As such, individuals struggling with same-sex desires may take comfort in knowing that they are not unique in being burdened with powerful drives that nonetheless must be disciplined and restrained.

In addition, we must recognize the cultural and historical contingency of the concept of “homosexuality” as a modern Western development. Did pre-modern peoples ever conceive of themselves as “heterosexual” or “homosexual”? Did sexual proclivities ever enter into their conception of self? If we take what has been registered in historical record seriously, then the answer to both questions is “no.” This is not to say that pre-modern persons did not write about love or possess sexual inclinations (even ones directed to the same sex), but rather to say that the presence of those desires was never viewed as constitutive of one’s very identity. By contrast, modern Western societies pigeonhole individuals at a young age into one of two (or more) sexual “orientations” that they must self-identify as at the risk of being “inauthentic” to the very “core of who they are.”

Muslims societies also differ from the modern West in that, in a great many times and places, they seem not to have found the presence of (at least certain kinds of) homoerotic desires particularly exceptional, and often versified their pervasiveness and allure in medieval poetry—a reality Kugle acknowledges when he states, “When one looks through the historical and literary records of Islamic civilization, one finds a rich archive of same-sex sexual desires and expressions, written by or

reported about respected members of society.”<sup>28</sup> Such attractions generally took the form of adult male infatuation with a “beardless youth,” or *amrad* (pl., *murd / murdān*), who had not yet outgrown the finer physique and smooth skin of a male not yet fully matured.<sup>29</sup> (Adult male-male sexual desire and expression are, by comparison, relatively marginal in this same literature.) A critical distinction Kugle fails to mention, however, is that Muslim scholars never affirmed homoerotic *behavior*—as clear and distinct from homoerotic *attractions*—to be anything other than rigorously prohibited (*ḥarām*) from a normative religious perspective. Indeed, the very figure that Kugle references in his citations, Muḥammad b. Dāwūd al-Zāhirī (d. 297/909), son of the eponymous founder of the Zāhirī legal school who wrote the *Kitāb al-Zahra* and later confessed unrequited feelings of love for a young male companion of his, never *acted on* the desires he possessed. Instead, the *Kitāb al-Zahra* insists on the importance of governing one’s sexual desires through pious restraint and speaks of the “martyrdom of chastity.”<sup>30</sup> In a very real sense, Ibn Dāwūd al-Zāhirī may present an early paragon for many Muslims struggling with same-sex attraction today as he conceded his own affection for another male yet, despite those propulsions, maintained God-consciousness (*taqwā*) and remained morally upright by refusing to express such feelings in the form of prohibited acts of physical consummation. This conduct in the face of moral struggle is often noted in al-Zāhirī’s biographies as a point of praise, with some citing a contested tradition of the Prophet Muḥammad (pbuh) that states, “Whoever loves

<sup>28</sup> See Kugle, “Sexuality, Diversity, and Ethics,” 198. For an exhaustive and nuanced treatment of this phenomenon, see the excellent study of Khaled El-Rouayheb, *Before Homosexuality in the Arab-Islamic World, 1500–1800* (Chicago: The University of Chicago Press, 2005).

<sup>29</sup> Some contemporary Muslims may be surprised to learn of pedophilic infatuation in many pre-modern (and some contemporary) Muslim cultures, but this phenomenon is well attested in the works of many scholars, recorded in historical literature, and described in poetic works. That said, it should be noted that the entire regime of pederastic love and attraction is a cultural pattern not tied to Islam as a religion or to Muslims per se. It is also attested, for instance, in ancient Greece, as well as in pre-Islamic Persia, Egypt, and other areas, including pre-modern China and Japan. See, for instance, T. Watanabe and J. Iwata, *The Love of the Samurai. A Thousand Years of Japanese Homosexuality*, trans. D.R. Roberts (London: Gay Men’s Press, 1989), 31–32. Watanabe and Iwata report that pederasty permeated all of Japanese society, in particular religious and samurai society. See also R. H. van Gulik, *Sexual Life in Ancient China: A Preliminary Survey of Chinese Sex and Society from ca. 1500 B.C. till 1644 A.D.* (Leiden: Brill, 2003), which details pre-modern Chinese pederasty, and William A. Percy III, *Pederasty and Pedagogy in Archaic Greece* (Urbana & Chicago: University of Illinois Press, 1996).

<sup>30</sup> See Lois Anita Giffen, “Ibn Hazm and the Tawq al-Hamama,” in *The Legacy of Muslim Spain*, ed. Salma Jayyusi (Leiden: Brill, 1994), 425.

<sup>26</sup> See Muslim b. al-Ḥajjāj, *al-Jāmi‘ al-ṣaḥīḥ*, ed. Abū Qutayba Naẓār b. Muḥammad al-Faryābī, 1 ed., 2 vols. (Riyadh: Dār Ṭayba li’l-Nashr wa’l-Tawzī‘, 1427/2006), no. 2822. Can be accessed at: <http://sunnah.com/muslim/53/1>.

<sup>27</sup> See Aḥmad b. Shu‘ayb al-Nasā‘ī, *Sunan al-Nasā‘ī (ma‘a aḥkām al-Albānī)*, ed. Muḥammad Naṣīr al-Dīn al-Albānī, 1 ed. (Riyadh: Maktabat Ma‘ārif li’l-Nashr wa’l-Tawzī‘, 1434/2013), no. 3763. Can be accessed at: <http://sunnah.com/nasai/35/3>.

passionately (*‘ashīqa*) but remains chaste, patient, and keeps his love a secret and dies, dies as a martyr,”<sup>31</sup> a tradition that al-Zāhirī would recount on his death bed.<sup>32</sup>

Like Ibn Dāwūd al-Zāhirī, Ibn Ḥazm, a fellow member of the Zāhirī school, wrote his own belletristic work on the topic of love entitled *Tawq al-ḥamāma*, or *The Ring of the Dove*. In this work, Ibn Ḥazm attends not only to male-female sexual attraction, but to male-male and male-boy attraction as well, a fact that Kugle adduces as part of his revisionist argument in *Homosexuality in Islam*. The presence of this content in *Tawq al-ḥamāma* has led to speculation on the part of some Western scholars that Ibn Ḥazm was himself a “homosexual” insofar as his dominant sexual attractions were concerned.<sup>33</sup> Be that as it may, Ibn Ḥazm was unwavering in his commitment to the categorical Qur’ānic prohibition of same-sex behaviors affirmed by the consensus view of Muslim scholarship, as noted by Lois A. Giffen in “Ibn Hazm and the Tawq al-Hamama,” where she says:

Ibn Hazm, in dealing with cases of love, makes no essential difference between instances of passionate attachment—man for man (or youth), boy for girl, man for woman (or maiden), or vice versa. (Homoerotic attachments between women are not a subject of discussion.) As long as a story reveals some aspect of the nature of love and the psychology of lovers, it is most valuable grist for his mill. Whether the *behaviour* [emphasis mine] of the lover or the lovers has his approval, sympathy, pity or condemnation is quite another thing.<sup>34</sup>

Camilla Adang reaches much the same conclusion as Giffen in her review of *Tawq al-ḥamāma*, where she states that Ibn Ḥazm held that the only “lawful form of intercourse for a man is within wedlock, or with a slave-woman he owns. For a woman, only intercourse with her husband is lawful.”<sup>35</sup> Of note is not simply that Ibn Dāwūd al-Zāhirī and Ibn Ḥazm maintained this consensus view on licit and illicit sexual behaviors in Islam, but that neither of them seem to have viewed

homoerotic—and specifically pederastic—sentiments as particularly aberrant in and of themselves. On the contrary, both were only too aware of their presence, but were concerned more pointedly with maintaining the behavioral standards of sexual conduct established by revelation, which calls for chastity as a rule and which permits sexual relations only within explicitly delineated, legally defined relationships between a male and a female. We will revisit Ibn Ḥazm in a forthcoming section, as his view that male-male anal intercourse (*liwāṭ*)—though categorically prohibited—does not constitute a *ḥadd* crime figures prominently in Kugle’s argumentation in *Homosexuality in Islam*.

### III. Sexuality in the Islamic Discursive Tradition

As discussed in the preceding section, the conceptual framework of the Sharī‘a presents an understanding of sexual desire and conduct that diverges considerably from essentialist notions of orientation and disposition currently popular in the West. Far from being predetermined or immutable, sexual predilections are conceived within a framework that accounts for their general heterogeneity vis-à-vis human experience. Indeed, any individual may feel attraction toward another, and the presence of that desire is not essentialized into any defining identity. Rather, ethical valuations focus on what remains within the purview and concern of the Sacred Law, namely, governable *actions*. Such actions, however, include actions of the heart and mind (*a‘māl al-qalb*), since one’s thoughts are essential to internalizing proper conduct as they influence both a person’s actions and his soul. It is in this regard that Muslim scholars have emphasized the importance of self-consciously aligning one’s thoughts with the Will of God. Abū Ḥāmid al-Ghazālī (d. 505/1111) states in his famous tract on happiness, “The aim of moral discipline is to purify the heart from the rust of passion and resentment, till, like a clear mirror, it reflects the light of God.”<sup>36</sup> In a *ḥadīth* reported in multiple collections, the Prophet (pbuh) is reported to have specified how God adjudicates the deeds of man: intending a good deed and performing it earns manifold rewards, intending a good deed but not being able to carry it out earns a single reward, intending to sin but then refraining for the sake of God earns a single reward, while intending to sin and following through with it earns a single punishment.<sup>37</sup> In commenting on this *ḥadīth*, Ibn Rajab al-Ḥanbalī (d. 795/1393) remarks that the reward for one intending a sin that he does not carry out is exclusively for the one who abandons this sin

<sup>31</sup> This *ḥadīth* is narrated by al-Ḥākim and others. Though some have judged it acceptable, others such as Ibn al-Qayyim (d. 751/1350)—see Ibn Qayyim al-Jawziyya, *Zād al-ma‘ād fī ḥady khayr al-‘ibād*, ed. Shu‘ayb al-Arnā‘ūt, 3 ed., 6 vols. (Beirut: Mu‘assasat al-Risāla, 1418/1998), 4/252-256 and Ibn Qayyim al-Jawziyya, *Rawḍat al-muḥibbīn wa nuzhat al-mushtāqīn*, ed. Muḥammad ‘Uzayr Shams, 1 ed. (Jeddah: Majma‘ al-Fiqh al-Islāmī, 1431/2010), 266-270—have held it as unreliable, while yet others have accepted it as authentically attributable to Ibn ‘Abbās but not to the Prophet (pbuh).

<sup>32</sup> See Muḥammad b. Dāwūd al-Iṣbahānī (al-Zāhirī), *Kitāb al-Zahra*, ed. Ibrāhīm al-Sāmarrā‘ī, 2 ed. (al-Zarqā‘, Jordan: Maktabat al-Manār, 1985), 8-9.

<sup>33</sup> See Camilla Adang, “Ibn Hazm on Homosexuality. A Case-Study of Zāhirī Legal Methodology,” *Al-Qantara* 24, no. 1 (2003).

<sup>34</sup> See Giffen, “Ibn Hazm and the Tawq al-Hamama,” 425.

<sup>35</sup> See Adang, “Ibn Hazm on Homosexuality,” 12.

<sup>36</sup> See Abū Ḥāmid al-Ghazālī, *The Alchemy of Happiness*, trans. Claud Field (Lahore: Sh. Muhammad Ashraf, 195-?), 2. Can be accessed at: [http://www.surrenderworks.com/library/downloads/alchemy\\_of\\_happiness.pdf](http://www.surrenderworks.com/library/downloads/alchemy_of_happiness.pdf).

<sup>37</sup> See Muḥammad b. Ismā‘īl al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, 1 ed. (Damascus: Dār Ibn Kathīr, 1423/2002), no. 6126, as well as Muslim, *al-Jāmi‘ al-ṣaḥīḥ*, no. 128-131 and no. 2687.

for the sake of God.<sup>38</sup> He further delineates that the intent behind abandoning the sin could itself constitute a sinful deed, even with no accompanying act of the limbs, such as when a person leaves a sin merely for fear of what people might think.<sup>39</sup> Moreover, even one who intends to sin and allows that intention to settle in his heart such that it becomes a firm resolution but later abandons that intent without reason may be considered sinful, for allowing the sin to settle constitutes an act of the heart. Ibn Rajab registers divergent views among the scholars on this issue.<sup>40</sup> But scholars did not stop at simply cautioning against sinful thoughts; they stressed the importance of praiseworthy ones as well. Accordingly, having a good opinion of God (*ḥusn al-ẓann bi'llāh*) was something the Prophet (pbuh) urged upon believers, instructing us to be confident in God's response to our prayers<sup>41</sup> and never to lose hope in God's Mercy.<sup>42</sup> Thoughts and internal musings, therefore, are hardly without consequence, and though one may not necessarily have complete jurisdiction over his or her thoughts, the decision to fixate upon those thoughts or to dispel them is, in principle, amenable to control. This ongoing process of self-regulation and cognitive evaluation is central to the Islamic moral and spiritual tradition, where the practice of spiritual maturation focuses on shepherding people to a place where they come to conceive of the world in a way that coincides with the demands of faith and the pleasure of God Almighty.

To be clear, I am not suggesting that someone can simply “think” himself out of spontaneous same-sex desires, but instead positing that the potency and frequency of those desires can be attenuated to make the moral and spiritual struggle a more manageable one. When, however, one accepts “homosexuality” not only as a substantive conceptual category but as a central marker of one's very identity, then the need to regulate or somehow temper one's same-sex desires will inevitably be conceived of, and internalized as, living with a “double consciousness” or “being unfaithful to one's true self,” if not downright “oppressive.” But if we dispense with the contingent category of an essentializing homosexuality, then individuals spontaneously experiencing same-sex attraction can more readily situate their own struggle within the context of similar struggles, and not conceive of it as an exceptional condition calling either for especial stigmatization, on the one hand, or full embrace and “validation” on pain of being “untrue to one's core self,” on the other. For this reason, Muslims should reject the essentializing and confining category of

“homosexuality” (and its many cognates) altogether—particularly when touted as the basis of a personal “gay” or “queer” identity (as opposed to being strictly descriptive of one's sexual inclinations)—and instead remain faithful to the more flexible, and truer, conceptual categories underlying Islam's own discursive approach to sexuality.

Unlike contemporary Western notions of sexual orientation, the taxonomy of the Qur'ān and Sunna reflects not a particular set of contingent, historically and socially bound sensibilities, but rather establishes an independent, divinely instituted conceptual and normative framework for guiding Muslims' approach to questions of gender and sexuality in any age. Terms such as *shahwa* (desire), *fāḥisha* (iniquity, gross indecency), *farj* (sexual organs), *buḍ'* (genitalia; intercourse), *liwāṭ* (sodomy), *ma'būn* (the receptive partner in homosexual sodomy), *ḥarth* (tillage), *nikāḥ* (marriage), *nasl* (family lineage), *ʿiffa* (continence, chastity), and other terms are all indigenous to the Islamic discursive tradition as based on revelation and, therefore, rightly determine the frame of reference in terms of which Muslims have always navigated questions of desire, sexual acts (same-sex or otherwise), chastity, and related matters. Kugle protests the use of the terms *liwāṭ* ('sodomy') and *lūṭī* ('sodomite') in Islamic legal literature as running contrary to a literal commitment to the Qur'ān. Although he is correct that the Qur'ān does not employ the specific nouns *liwāṭ* or *lūṭī*, let alone contain a specific term directly corresponding to “homosexuality” as a modern social construct understood to reflect the “core of one's identity,” this argument is little more than a red herring. The Qur'ān also contains no terms that exactly render contemporary notions of “rape,” “consent,” and “sexual assault,” but surely Kugle would reject the allegation that any talk of a normative Qur'ānic perspective on these topics amounts to no more than an illegitimate projection onto the text that runs contrary to a commitment to the “literal specificity of the Qur'an as revelation.”<sup>43</sup> The fact that the Qur'ān does not use specific terms corresponding directly to modern-day “homosexuality” and “sexual orientation” does not, therefore, mean that it contains no normative doctrine related to the substantive content implicit in these terms.

More to the point, Kugle nowhere justifies how the abstract, subjective, and culturally contingent notion of “sexual identity” can justifiably be wielded to override an explicit textual prohibition of discrete sexual acts that Muslims consider to be divinely revealed (and hence objective, absolute, and unchanging). The fact of the matter is that the Islamic tradition employs no term for distinguishing persons exclusively on the basis of internal sexual desire or “orientation.” Persons are not branded as fornicators merely on account of their desire to fornicate. Likewise, persons who experience same-sex attractions are not branded with any unique

<sup>38</sup> See Ibn Rajab al-Ḥanbalī, *The Compendium of Knowledge and Wisdom*, trans. Abdassamad Clarke, trans. of *Jāmi' al-ʿulūm wa'l-ḥikam* (London: Turath Publishing, 1428/2007), 609.

<sup>39</sup> Ibid., 610.

<sup>40</sup> Ibid., 611-614.

<sup>41</sup> Muḥammad b. ʿĪsā al-Tirmidhī, *Sunan al-Tirmidhī*, ed. Abū ʿUbayda b. Ḥasan ʿĀl Salmān, 1 ed., 6 vols. (Riyadh: Maktabat Maʿārif li'l-Nashr wa'l-Tawzīʿ, n.d.), no. 3479.

<sup>42</sup> See Muslim, *al-Jāmi' al-ṣaḥīḥ*, no. 2877.

<sup>43</sup> Kugle, “Sexuality, Diversity, and Ethics,” 200.

label, singled out from all other types of persons—whether, as have stated, for the purposes of pathologization and stigmatization or for those of celebration and “affirmation.” Although the comparison between fornication and homosexual behavior may be perceived as offensive to current Western sensibilities, Islamic norms and sensibilities consider all forms of misdirected attraction as undesirable. Additionally, because revelation and the Shari‘a based on it are exclusively preoccupied with objective acts and not with vague, subjective notions of orientation or disposition, the predominance of certain desires over others is immaterial in determining the legal qualification (*ḥukm*) assigned to objective discrete acts. Indeed, in the realm of sexuality, the cardinal legal axiom (*qā‘ida fiqhīyya*) regarding sexual behavior in Islamic Law is: *al-aṣl fī al-abdā‘ al-taḥrīm*, that is, all sexual acts are *prohibited* by default except those explicitly *permitted* by Sacred Law.<sup>44</sup> Accordingly, even persons who experience unelected and exclusive same-sex attractions—such that marriage, for instance, may not be a viable option for them given their lack of any erotic attraction to the opposite sex—are nevertheless subject to the objective parameters of the Law and required to observe abstinence if necessary. The prospect of abstinence has been characterized by some revisionists as unduly onerous—even prejudicially burdensome—on persons who experience same-sex desires and attractions, but in reality the situation of such persons is not categorically different from the requirement of celibacy that applies to multitudes of people who are unable to marry for any number of reasons. Not every desire has a permissible outlet, and there are many circumstances that may prevent individuals from being able to regularize sexual relationships even in opposite-sex contexts (poverty, disease, looks, happenstance, etc.). To mention an example that has received some attention as of late, Muslim women living in the West have lamented a number of factors that have contributed to the recent emergence of spinsterhood: unsupportive parents, a rapidly closing window for fertility, and few eligible Muslim bachelors.<sup>45</sup> Given these circumstances, should Muslims abandon the juristic consensus prohibiting Muslim women from marrying outside the faith? The

<sup>44</sup> See Jalāl al-Dīn al-Suyūṭī, *al-Ashbāh wa’l-naẓā‘ir fī qawā‘id wa furū‘ fiqh al-Shāfi‘iyya* (Cairo: Dār Iḥyā’ al-Kutub al-‘Arabiyya, 1964?). Can be accessed at: [http://library.islamweb.net/newlibrary/display\\_book.php?flag=1&bk\\_no=36&ID=38](http://library.islamweb.net/newlibrary/display_book.php?flag=1&bk_no=36&ID=38). This maxim runs counter to that which applies to human actions in general, namely: *al-aṣl fī al-ashyā‘ al-ibāḥa*, that is, actions are *permissible* by default unless specifically *prohibited* by Sacred Law.

<sup>45</sup> See the following articles related to the topic of spinsterhood: Fatima Adamou, “Single Childless Muslim Women,” *Altmuslimah* (May 11, 2015), <http://www.altmuslimah.com/2015/05/single-childless-muslim-women/>; “The Phenomenon of Spinsterhood,” *IDEAL Muslimah*, <http://idealmuslimah.com/family/beforemarriage/677-the-phenomenon-of-spinsterhood.html>; and Habiba Hamid, “A Response to ‘Single Childless Muslim Women’: Embrace Spinsterhood,” *Altmuslimah* (May 14, 2015), <http://www.altmuslimah.com/2015/05/a-response-to-single-childless-muslim-women-embrace-spinsterhood/>.

answer is “no.” Like persons experiencing same-sex attractions, such persons fall under the obligation to preserve their chastity, abide by the dictates of the Sacred Law, and observe abstinence.

Additionally, because Kugle is concerned with subjective notions of disposition and orientation, he fails to account for the myriad terms indigenous to the Islamic tradition that are used in reference to acts that today would be referred to as “homosexual,” including *‘amal qawm Lūt* (‘the act of the people of Lot’), *liwāt* (‘sodomy’), *mulāwaṭa* (synonym of *liwāt*), and other such variants that correlate the sexual indiscretions of Sodom to those that resembled them afterwards, namely, homosexual intercourse between men. One would, in effect, have to dismiss the entire corpus of Islamic scholarship if each and every term employed therein required explicit specification in the Qur’ān with no latitude for alternatives. “*Uṣūl*,” “*sunna*,” “*ḥadīth*,” “*fiqh*,” and numerous other technical terms indigenous to the Islamic sciences are not mentioned in their widely known technical senses in the Qur’ān, yet no one would doubt their legitimacy and appropriateness for conceptualizing and naming central aspects of Islamic religious discourse. Terms such as “*liwāt*” and “*lūṭī*” are no exception.

Kugle objects that the terms *liwāt/lūṭī* were popularized “in later times,”<sup>46</sup> but how much later? In one *ḥadīth*, the Prophet (pbuh) is reported to have said, “God has cursed whoever carries out the actions of Lot’s people (*man ‘amila ‘amal qawm Lūt*).”<sup>47</sup> It is difficult to date with precision when this term was first employed, but the phrase “*‘amal qawm Lūt*” is used in the exegetical work of al-Ṭabarī (d. 310/923), appears in several early *ḥadīth* reports, and is employed in juristic works discussing whether or not male-male anal intercourse is subject to a divinely stipulated punishment (*ḥadd*), and if so, on what grounds. The term *liwāt* appears later in Ibn Manẓūr’s (d. 711/1311-12) famous dictionary *Lisān al-‘Arab*,<sup>48</sup> which was written in the seventh/eighth century *hijra*, and numerous works thereafter, though of course the terms *liwāt/lūṭī* do not represent any departure from the phrase “*‘amal qawm Lūt*” but are merely derivatives thereof and are not employed in any categorically different sense. In a *ḥadīth* attributed to Ibn ‘Abbās reported in the canonical collection of Abū Dāwūd, Ibn ‘Abbās uses the term “*lūṭiyya*” to refer to

<sup>46</sup> Kugle, “Sexuality, Diversity, and Ethics,” 200.

<sup>47</sup> Aḥmad Ibn Ḥanbal, *Musnad al-Imām Aḥmad b. Hanbal*, ed. Shu‘ayb al-Arnā‘ūt, 50 vols. (Beirut: Mu‘assasat al-Risāla, n.d.), no. 2915. Al-Arnā‘ūt has classified it as sound (*ḥasan*) in his *taḥqīq* of Aḥmad’s *Musnad* (see *ibid.*, 5/84). On the punishment for *liwāt*, see: <https://islamqa.info/ar/38622>.

<sup>48</sup> Muḥammad b. Mukarram Ibn Manẓūr, *Lisān al-‘Arab*, 6 vols. (Cairo: Dār al-Ma‘ārif, 1429/2008), 6/4099.



sodomy.<sup>49</sup> In another report largely graded as weak (*daʿīf*) found in the collection of Ibn Mājah, the Prophet (pbuh) is reported to have cautioned against directing the term *lūṭī* toward another man on pain of receiving twenty lashes.<sup>50</sup> The authenticity of these specific traditions is less important here than the fact of their dating to at least the early third century of the *hijra*. Even if one were to dismiss them as fabrications, the inclusion of both traditions in works collected in the early third century establishes the existence of the term *lūṭī* in this early period, though it should be mentioned that “*ʿamal qawm Lūṭ*” as a term signifying sodomy figures more prominently in the earliest juristic works. The point here is that although scholars have employed varying terms when discussing same-sex acts, the substance and meaning of the terms were always used unambiguously in reference to one and the same act. This is no different than, say, the fact that the science of Islamic theological beliefs is referred to alternatively as “*ʿaqīda*,” “*uṣūl al-dīn*,” “*ʿilm al-tawhīd*,” and other terms—none of which are mentioned in the Qurʾān or reported on the authority of the Prophet (pbuh), all of which were “innovated” at a later date, yet all of which refer to one and the same essential reality that no one would deny is part and parcel of the Islamic religion. Kugle’s quibble with the mere terminology at play is, therefore, entirely irrelevant to the discussion of the status of same-sex acts in Islam.

Kugle also presents the lack of explicit punishment in the Qurʾān for sexual acts between two men or two women as further proof for their permissibility. We must note, however, that the Qurʾān also does not stipulate an explicit punishment for rape, incest, bestiality, necrophilia, and a host of other sexual acts agreed upon by consensus to be immoral and prohibited. Can one therefore assume the Qurʾān’s endorsement, or even tacit permission, of these acts as well?

It is also here that we arrive at another problematic aspect of Kugle’s framing: one may concede that the Islamic tradition may be read as “sex positive,” as Kugle avers, but that positivity must be qualified in concrete terms. What does it mean to be a “sex-positive” faith? The pursuit of sexual pleasure in Islam is, in fact, viewed as laudable *only* within the confines of very specifically delineated circumstances<sup>51</sup> (all of which are invariably male-female), outside of which sexual activity—particularly penetrative intercourse—constitutes an offense that actually figures among the most serious that one can commit in the faith. This is a critical distinc-

tion that Kugle goes out of his way to disregard, frequently translating and representing *ḥadīth* reports, statements of scholars, and verses from the Qurʾān as advocating sexual release and celebrating sexual pleasure in their own right, irrespective of the context or avenue through which such release occurs, or of the gender or legal relationship between the persons involved—both of which considerations are, however, critical to the religion’s own delineation of licit and illicit sexual acts.

Take, for example, the introductory passage that Kugle quotes from Madelain Farah’s translation of al-Ghazālī’s “Book on the Etiquette of Marriage” from his *Revival of the Religious Sciences*. Kugle reproduces the passage faithfully from Farah’s translation (with the exception of a few minor editorial changes), with one notable exception: the original phrase “subjecting creatures to desire through which He drove them to **tillage** (*ḥirātha*) [emphasis mine]”<sup>52</sup> has been altered by Kugle into “subjecting creatures to desire through which God<sup>53</sup> impelled them toward **sexual intercourse** [emphasis mine].”<sup>54</sup> What is lost in this “emendation” is the direct implication and meaning of the term *ḥirātha*, which linguistically denotes cultivation or tillage (used as a metaphor for sexual intercourse) and, as such, can only refer to a (lawful) sexual relationship between a male and a female (i.e., the only type of relationship that can possibly constitute an act of “cultivation” or “tillage,” namely, through the possibility of conception). In his *Companion to the Qurʾan*, W. M. Watt explains *ḥirātha* as “a development of the primitive metaphor which compares sexual intercourse with the sowing of seed, and speaks of children as the fruit of the womb.”<sup>55</sup> This point is absolutely essential, as cultivating land and tilling soil directly evoke imagery of what a land can potentially yield. Although Islamic Law allows certain methods of contraception to avoid pregnancy,<sup>56</sup>

<sup>52</sup> Madelain Farah, *Marriage and Sexuality in Islam: A Translation of al-Ghazali’s Book on the Etiquette of Marriage from The Revival of the Religious Sciences* (Salt Lake City: University of Utah Press, 1984), 45. Can be accessed at: <http://ghazali.org/works/marriage.htm>.

<sup>53</sup> It should be noted that here and elsewhere Kugle explicitly eschews the conventional ‘He’ translation for the Arabic pronoun *huwa* in reference to God when translating the Qurʾān. As we will see later, although Kugle is keen to accuse past scholars of interposing their own biases into the way they interpret and transmit the meaning of the Qurʾān, translating *huwa* repeatedly as “God” in order to expunge the Word of God of its alleged “sexism” in referring to God in the masculine is a prime example of Kugle himself interpolating his own biases into his rendering of the Qurʾānic text, even at the expense of deliberately mistranslating, and therefore misrepresenting, the Divine Word.

<sup>54</sup> Kugle, “Sexuality, Diversity, and Ethics,” 190.

<sup>55</sup> See W. M. Watt, *Companion to the Qurʾan based on the Arberry Translation* (London: Routledge, 2013), 41. It is of note that even in modern German, for instance, the word for fetus is none other than *Leibesfrucht*, literally “fruit (*Frucht*) of the womb (*Leib*).”

<sup>56</sup> At a minimum, coitus interruptus (*ʿazl*) was practiced by the Companions of the Prophet and is generally agreed to be permissible. Scholars have differed concerning the use of

<sup>49</sup> Abū Dāwūd al-Sijistānī, *Sunan Abī Dāwūd*, ed. Muḥammad b. Šāliḥ al-Rājiḥī (Riyadh: Bayt al-Afkār al-Dawliyya, n.d.), no. 4463.

<sup>50</sup> See Muḥammad b. Yazīd Ibn Mājah, *Sunan Ibn Mājah (maʿa aḥkām al-Albānī)*, ed. Muḥammad Nāṣir al-Dīn al-Albānī, 1 ed. (Riyadh: Maktabat Maʿārif li’l-Nashr wa’l-Tawzīʿ, 1434/2013), no. 2568.

<sup>51</sup> That is, either within the confines of a matrimonial relationship, or the relationship of master to concubine (i.e., “what your right hands possess” in the Qurʾānic idiom).

just as it does not restrict legitimate sexual enjoyment between lawful male and female partners to penetrative intercourse alone, the message here is quite clear that sexual relations are only lawful and praiseworthy when they occur within a *paradigmatically procreative*<sup>57</sup> (and therefore necessarily opposite-sex) context. The importance of progeny and lineage is further expounded upon by al-Ghazālī in the sentences immediately following the excerpt cited by Kugle:

Then He glorified the matter of lineage, ascribed to it great importance, forbade on its account illegitimacy<sup>58</sup> and strongly denounced it through restrictions and reprimands, making the commission thereof an outlandish crime and a serious matter, and encouraging marriage through desire and command.<sup>59</sup>

Later al-Ghazālī states, “The first advantage—that is, procreation—is the prime cause, and on its account marriage was instituted [emphasis mine]. The aim is to sustain lineage so that the world would not want for humankind.”<sup>60</sup> It should be noted here that despite the “sex positive” moniker Kugle applies to Islam, the Islamic tradition is resolute in its absolute and uncompromising denunciation of sexual relations in any context not expressly permitted by Sacred Law. Chastity is a chief attribute of belief and virtue, while licentiousness is reproached and censured.<sup>61</sup> Illicit sexual intercourse (*zinā*) is one of the few religious prohibitions for which God has mandated a *ḥadd* penalty, indicating that sexual activity falling outside of the sanctioned parameters is not only spiritually deleterious but socially damaging to the moral fabric of the community as well.

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artificial contraceptives, with some permitting them outright, others prohibiting them outright, and others permitting some while proscribing others.

<sup>57</sup> Although Islam is not as strict as, e.g., Catholicism in requiring that each and every sexual act constitute an opening to the possibility of conception, it does nevertheless restrict legitimate sexual behavior to the overall context of a relationship where this can *paradigmatically* occur. Solo sex (on the dominant opinion that masturbation is *ḥarām*) and same-sex behavior (agreed by consensus to be *ḥarām*) do not clear the bar. Sexual relations between, say, an elderly or sterile couple, on the other hand, would count as legitimate, since they fall within the bounds of the *paradigmatically approved* male-female sexual relationship—and they continue to honor both the inherently interactive nature of sex as conceived of in Islam (on the dominant view prohibiting masturbation), as well as the natural fit and teleology of the male and female bodies and the complementarity of the male and female principles as extolled in the Qurʾān [see, e.g., Q. (al-Rūm) 30:21, Q. (al-Baqara), 2:187].

<sup>58</sup> “Illegitimacy” rendering Arabic *sifāh*, which is used for extramarital intercourse and is an analog to the more common term *zinā*.

<sup>59</sup> Farah, *Marriage and Sexuality in Islam*, 45. Can be accessed at: <http://ghazali.org/works/marriage.htm>.

<sup>60</sup> Ibid., 53. Can be accessed at: <http://ghazali.org/works/marriage.htm>.

<sup>61</sup> See, e.g., Q. (al-Nisāʾ) 4:24, Q. (al-Māʾida) 5:5, Q. (al-Muʾminūn) 23:5, Q. (al-Aḥzāb) 33:35, Q. (al-Maʿārij) 70:29, and others.

The fact that Islam limits its positive appraisal of the sexual life to discrete divinely sanctioned acts that occur within a paradigmatically procreative context is further elucidated in the *ḥadīth* of the Prophet (pbuh), in which he states, “And in intercourse (*buḍʿ*)<sup>62</sup> there is [the reward of] charity.” Upon hearing this the Companions were stunned and inquired how such a reward was possible when all one did was satisfy his desires (*shahwa*), to which the Prophet (pbuh) responded by explaining that had one satisfied his desires in an illicit manner, he would have been sinful; therefore, by satisfying one’s desires in a sanctioned manner, one is rewarded.<sup>63</sup> In another *ḥadīth*, the Prophet (pbuh) is reported to have said, “Whoever guarantees me what is between his two jaws and what is between his two legs, I shall guarantee him Paradise (*man yaḍman lī mā bayna laḥyayhi wa mā bayna rijlayhi aḍman lahu al-janna*).”<sup>64</sup> In multiple places in the Qurʾān, God praises the one who guards his or her private parts, even including this in one verse among the principal characteristics of belief for which Paradise is rewarded as an inheritance.<sup>65</sup> Elsewhere, He instructs believing men and women to lower their gaze as a precautionary measure against sexual misconduct.<sup>66</sup> The implication of these teachings is quite clear: chastity is a difficult (but essential) virtue to uphold and restraint a challenging (but likewise essential) ethical imperative to enact. When one is able, through Divine Grace (*tawfiq*), to realize such a virtue successfully, he is rewarded by God generously in the Hereafter with Paradise. Toward this end, Ibn Ḥazm remarks in *Ṭawq al-ḥamāma*, in a chapter entitled “Of the Virtue of Continence”:

The finest quality that a man can display in love is continence: to abstain from sin and all indecency. For so he will prove himself to be not indifferent to the heavenly reward, that eternal bliss reserved by God for those who dwell in His everlasting kingdom, neither will he disobey his Master Who has been so gracious to him, in appointing him to be a creature worthy to receive His commandments and prohibitions, Who sent unto him His Messengers, and caused His Word to be immovably established with him—all this as a mark of His care for us, and His benevolence towards us.

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<sup>62</sup> Al-Nawawī states that the term *buḍʿ* may refer to the specific act of intercourse (*jimāʿ*) or to the sexual organ (*al-farj nafsuhu*), and that in the context of this *ḥadīth* both are appropriate. See Yahyā b. Sharaf al-Nawawī, *al-Minhāj fī sharḥ Ṣaḥīḥ Muslim b. al-Ḥajjāj* (Riyadh: Bayt al-Afkār al-Dawliyya, n.d.), 641. Can be accessed at: [http://library.islamweb.net/newlibrary/display\\_book.php?flag=1&bk\\_no=53&ID=2828](http://library.islamweb.net/newlibrary/display_book.php?flag=1&bk_no=53&ID=2828) (content maps to Bayt al-Afkār al-Dawliyya page citations).

<sup>63</sup> See Muslim, *al-Jāmiʿ al-ṣaḥīḥ*, no. 1674.

<sup>64</sup> See al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, no. 6474.

<sup>65</sup> See Q. (al-Muʾminūn) 23:5-10.

<sup>66</sup> Q. (al-Nūr) 24:30-31.

The man whose heart is distraught and his mind preoccupied, whose yearning waxes so violent that it overmasters him, whose passion desires to conquer his reason, and whose lust would vanquish his religion; such a man, if he sets up self-reproach to be his strong tower of defense, is aware that the soul indeed “commands unto evil” (Koran XII 53). [...]

How then shall it be with a man whose breast enfolds a passion hotter than blazing tamarisk, whose flanks convulse with a rage keener than the edge of a sword, who has swallowed the draughts of patience more bitter than colocynth and converted his soul by force from grasping at the things it desired and was sure it could reach, for which it was well prepared, and there was no obstacle preventing its attainment of them? Surely he is worthy to rejoice tomorrow on the Day of Resurrection and to stand among those brought near to God’s throne in the abode of recompense and the world of everlasting life; surely he has a right to be secure from the terrors of the Great Uprising, and the awful dread of the Last Judgement, and that Allah shall compensate him on the Day of Resurrection with peace, for the anguish he suffers here below!<sup>67</sup>

With respect to the Qur’ān’s treatment of “diversity” (*ikhtilāf*), Kugle’s disquisitions on homosexuality fail to account for fairly obvious qualitative differences between the types of diversity celebrated in the Qur’ān, such as variant tribal, ethnic, and national groupings on the one hand, and homosexual inclinations-*cum*-practices on the other—the former of which bear no relevance to belief or action, whereas the latter, particularly where same-sex desires are translated into acts, fall under the direct scrutiny of religious valuation. One may legitimately affirm the existence of sexual “diversity,” just as Muslim scholars of the past did, as a trait present across an array of people, fully acknowledging that some people’s sexual impulses may predominate in one form or another (same-sex, opposite-sex, pederastic, etc.), but only with the all-important caveat that *all* are required to abide by God’s Law and to abstain from sexual acts that He has made illicit. Kugle goes to great lengths to demonstrate the Qur’ān’s recognition of disparate sexual dispositions, including his mentioning of Q. (*al-Nūr*) 24:30 that speaks of “men who are not in need of women,”<sup>68</sup> but that recognition in no way renders same-gender sexual activity permissible. Rather, it only substantiates, if anything, the point that

a recognition of “sexual diversity” can indeed, as has been the consensus of Muslims throughout history, coexist with an absolute prohibition of any sexual act that occurs outside the context of legally sanctioned—invariably male-female—relationships.

#### IV. Kugle and the Qur’ān

Having set the conceptual basis for his revisionism, what then follows is an elaborate attempt by Kugle to proffer an interpretation of the Qur’ānic discourse on the people of Lot (*qawm Lūṭ*) accommodative of homosexual practice. The Lot narrative appears in the Qur’ān on nine separate occasions. The relevant citations and passages have been provided below in the Appendix, along with accompanying synopses that briefly explain the verses in light of the exegetical tradition.

Of the nine passages cited, six make mention of male-male sexual acts either explicitly with words such as “you come unto men / males (*ta’tūna al-rijāl / al-dhukrān*) instead of women,” or implicitly by referring to the context of Lot confronting his people outside his home, entreating them to fear God and to consider his daughters who, on account of their female gender, are “purer” for them as mates (see Appendix, passages *a*, *b*, *c*, *e*, *f*, and *g*). The three passages that do not mention male-male sexual acts are brief, typically referencing Lot’s station as a pious messenger of God as well as his people’s disobedience in general terms (see Appendix, *d*, *h*, and *i*). Of the six passages that do make mention of male-male sexual acts, only the passage in *Sūrat al-‘Ankabūt* mentions the additional indiscretions of “cutting off the road” and “practicing evil deeds in your assemblies” (see Appendix, *g*). The remaining five passages speak *only* about male-male sexual acts to the exclusion of any other wrongdoing, reinforcing the notion that although the people of Lot may have had several charges to their account, it is homosexual intercourse between men that remains their emblematic crime. Passages in *Sūrat al-A‘rāf*, *Sūrat al-Shu‘arā’*, and *Sūrat al-Naml* make explicit mention of “coming / coming with desire unto men instead of women” (see Appendix, *a*, *e*, and *f*), whereas the passages in *Sūrat Hūd* and *Sūrat al-Hijr* recount Lot’s pleading with the people of Sodom to take “his daughters” (often understood as the women of the tribe<sup>69</sup>) as mates instead of Lot’s male visitors (see Appendix, *b* and *c*).

It is also clear, when all these verses are taken together, that it is specifically and exclusively the same-gender aspect of the sexual practices of the people of Lot that is being condemned in them. No mention is made—even by implication—of coercion, dishonoring, or any other factor. The Qur’ān employs a rich vocabulary of terms for indicating force and aggression, yet none of these terms appear any-

<sup>67</sup> Abū Muḥammad ‘Alī b. Aḥmad Ibn Ḥazm, *The Ring of the Dove (A Treatise on the Art and Practice of Arab Love)*, trans. A. J. Arberry (London: Luzac & Company, Ltd., 1953), 262-263. Can be accessed at: <http://www.muslimphilosophy.com/hazm/dove/ringdove.html#ch29>.

<sup>68</sup> Kugle, “Sexuality, Diversity, and Ethics,” 197.

<sup>69</sup> See note 116 for more details.

where in the numerous passages that address the sexual practices of the people of Lot. By contrast, the only words that are used in this regard—and repeatedly at that—relate directly to “sexual desire” (*shahwa*) practiced by *men* on other *men* instead of on *women*, making it unequivocal that the men of Sodom’s incrimination for sexual malfeasance was specifically predicated on the gender sameness of their chosen sex partners. The plain sense of these verses is so clear and unequivocal that no exegetes have differed over their interpretation in that regard.

In arguing for a reinterpretation of the Lot narratives indulgent of consensual same-sex relations, Kugle calls for an adherence to the “literal specificity”<sup>70</sup> of the Qur’ān, accusing medieval jurists and theologians of interpolating their own prejudices into exegetical and legal texts. Kugle rests his Qur’ānic hermeneutic on two interpretive methods, which he refers to as a “semantic analysis” and a “thematic analysis.”<sup>71</sup> It is after performing an investigation within these two analytical contexts that he then attempts to drive home his conclusion. I will here attempt to engage Kugle’s hermeneutic on its own terms and to interrogate both analytical frameworks, as well as Kugle’s employment of them as part of his interpretive revisionism. In the final section of the article, I will address Kugle’s use of the figure of Ibn Ḥazm as part of his revisionist project.

#### *Kugle and al-Ṭabarī’s Method of “Definition and Substitution”*

Kugle sets the stage for his semantic analysis by reviewing the famous exegetical work of Muḥammad b. Jarīr al-Ṭabarī (d. 310/923) as an example of a tendentious “heteronormative” reading of the Qur’ān. Kugle evaluates al-Ṭabarī’s treatment of Q. (*al-Aʿrāf*) 7:80-81, which reads: “(80) *And (mention) Lot, when he said to his people, ‘Do you commit iniquity (fāḥisha) such as none in creation have committed before you? (81) For you come with desire unto men instead of women. Nay, you are a people transgressing (beyond bounds).’*” Kugle cites selectively from al-Ṭabarī’s work, accusing him of the curious charge of “definition and substitution” in which al-Ṭabarī allegedly defines the nature of iniquity (*fāḥisha*) mentioned in the verse on his own whim and then substitutes that subjective definition into his exegesis of the Qur’ān.<sup>72</sup> Kugle translates al-Ṭabarī’s commentary of Q. 7:80-81 as follows:

The transgression [*fahisha*] that they approach, for which they were punished by Allah, is “penetrating males sexually” [*ityan dhukur*]. The meaning is this: it is as if Lut were saying “You

are, all of you, you nation of people, coming to men in their rears, out of lust, rather than coming to those that Allah has approved for you and made permissible to you from the women. You are a people that approach what Allah has prohibited for you. Therefore you rebel against Allah by that act.” That is what the Qur’ān means by going beyond the bounds [*israf*] when Lut said, *You are a people who go beyond all bounds.*<sup>73</sup>

A full translation of al-Ṭabarī’s commentary, however, renders the following (Qur’ānic verses are set in bolded italics):

*When he said to his people* – when he said to his people from Sodom, and to them Lot was sent – ***Do you commit iniquity (fāḥisha)*** – the iniquity that they approached and for which God punished them is penetrating men sexually – ***such as none in creation have committed before you?*** – none had committed this indecency in the world prior to them – ***Verily you come with desire unto men instead of women. Nay, you are a people transgressing (beyond bounds)*** – God is informing [us] as to what Lot conveyed to his people, and his reprimanding them for their actions: indeed you all, O people (*ayyuhā ’l-qawm*), approach men from their rears with desire (*shahwatan*) rather than coming to those whom God has approved for you and made permissible to you from among women. – ***You are a people transgressing (beyond bounds)*** – you are a people that approach what God has prohibited to you, insubordinate in your actions. And that is prodigality (*isrāf*) in this matter.<sup>74</sup>

Far from Kugle’s accusation of a prejudicial or whimsical process of “definition and substitution,” al-Ṭabarī faithfully integrates these verses of the Qur’ān with a simple and straightforward explanation of their meanings—in fact citing none other than the Qur’ān itself in clarification of its own import. Kugle objects to al-Ṭabarī’s glossing of the iniquity (*fāḥisha*) in question as “coming with desire unto men instead of women.” Instead, he urges his reader to understand the term *fāḥisha* in its most generic and etymologically literal sense, devoid of the very context in which it is found. A full reading of Q. (*al-Aʿrāf*) 7:80-81, however, shows Lot accusing his people of committing an unprecedented indecency, one which is identified in the *very next verse of the Qur’ān itself* as “coming with desire unto

<sup>73</sup> Ibid.

<sup>74</sup> Muḥammad b. Jarīr al-Ṭabarī, *Tafsīr al-Ṭabarī min kitābihi Jāmiʿ al-bayān ʿan taʾwīl āy al-Qurʾān*, ed. Bashshār ʿAwwād Maʿrūf and ʿIṣām Fāris al-Ḥurristānī (Beirut: Muʾassasat al-Risāla, 1994), 3: 462-463.

<sup>70</sup> Kugle, “Sexuality, Diversity, and Ethics,” 200.

<sup>71</sup> Ibid., 203.

<sup>72</sup> Ibid., 204.

*men instead of women.*” Kugle strains in his attempt to decouple these two verses from each other and to divorce them from their immediate context, suggesting that “iniquity” (*fāḥisha*) here could mean absolutely any type of indecent or unethical behavior and that al-Ṭabarī, like the community of Muslim exegetes and jurists for a millennium after him, made the “mistake” of reading these two verses sequentially (which, Kugle avers, results in a mere “speculative assertion” on their part), and as they appear in multiple places in the Qurʾān. In addition, Kugle’s charge of “definition and substitution” makes even less sense when one considers al-Ṭabarī’s exegetical method, one that is faithful to the text of the Lot narrative as it appears in the Qurʾān itself, with minimal actual commentary of his own. Far from interpolating his own words and expressions, al-Ṭabarī does nothing but quote from the Qurʾān itself in order to elucidate the meaning of Q. 7:80-81. It is shocking that Kugle dismisses as biased heterosexist interpolation on the part of al-Ṭabarī words and phrases that are, in fact, none other than the words of God Himself drawn from the very same passages which al-Ṭabarī is commenting.

Later, Kugle again cites al-Ṭabarī’s method of “definition and substitution,” this time to charge him with asserting that the sole content of Lot’s prophetic mission and purpose was to make the act of intercourse between men forbidden—with the implication that the prohibition of this act would somehow be open to question just so long as it can be shown that it was not the *only*, or even the principal, reason why Lot was sent to his people. Kugle quotes al-Ṭabarī as stating, “This approach [declaring anal sex between men hateful] was the content of Lut’s prophetic message [*risala*]; his purpose was to make this act forbidden.”<sup>75</sup> Unfortunately, this statement appears nowhere in the actual exegetical work of al-Ṭabarī. Instead, al-Ṭabarī remarks when speaking of Q. (*al-Aʿrāf*) 7:83 (“*So We rescued him and his household, save his wife; she was of those who stayed behind*”):

When Lot’s people rejected him—despite his many reprimands on account of the iniquity they were committing, and his conveying to them the message of his Lord concerning what was forbidden to them—with stubborn insolence, We saved Lot and his believing family except his wife, for she was to Lot a deceiver and in God a disbeliever (*kāfirah*).<sup>76</sup>

Kugle attempts to paint al-Ṭabarī as so fixated on the prohibition of anal intercourse between men that he was incapable of reading the Lot narrative as anything else. And yet there is little evidence that al-Ṭabarī did anything other than render meanings that accord with the direct and obvious import of the verses in question. At no point does al-Ṭabarī suggest that anal sex between men was the sole, or even

principal, mission for which Lot was commissioned. That said, even if al-Ṭabarī *had* asserted that Lot’s principal mission was to eradicate the transgression of homosexual sodomy, this would not be an altogether unreasonable conclusion given the Qurʾān’s repeated—and usually exclusive—mention of “coming with desire unto men instead of women” within the context of the Lot narrative. All exegetes acknowledged and cataloged the diverse crimes committed by the people of Sodom, but it was indeed same-sex acts between men for which they were most infamous and exegetical commentary on the Lot narrative has, unsurprisingly, never failed to reflect this. That over a thousand years’ worth of scholarship after al-Ṭabarī, and the entire community of Muslims prior to him, concurred with and echoed al-Ṭabarī’s reading of the Qurʾān on this point is dismissed by Kugle as a simple reflection of how “disempowered” later exegetes were from offering alternative readings of the Lot narrative.

### *Kugle and Semantic Analysis*

It is at this juncture, after having evaluated the purported inadequacies of al-Ṭabarī’s classical commentary, that Kugle begins to propose his own hermeneutic, one which starts with a semantic analysis. Kugle describes a semantic analysis as one that “does not trust a simple translation” but demands that words “become enmeshed in a web of relationships to other words” to gain a fuller understanding of terms in their Qurʾānic context.<sup>77</sup> Kugle states about semantic analysis:

This method gives a very “literal” reading of the text. It respects the word of the Qurʾān not as defined by human authorities who assign them meanings by definition and substitution, but rather as defined by their placement in relation to other words in the Qurʾān itself.<sup>78</sup>

Kugle presents the article of Amreen Jamal, “The Story of Lut and the Qurʾān’s Perception of the Morality of Same-Sex Sexuality,” as the “first critical attempt to reassess the Qurʾān’s view of same-sex relationships.”<sup>79</sup> In doing so, he reports Jamal’s conclusion that the various terms associated with the Lot narrative are not exclusive to the people of Lot or to same-sex sexuality. Jamal, for instance, demonstrates that terms such as *fāḥisha* (‘iniquity’), *shahwa* (‘desire’), and *isrāf* (‘prodigality’)—which appear prominently in the Lot narrative—also appear in other contexts in the Qurʾān that refer to indiscretions that are at times “heterosex-

<sup>77</sup> Kugle, “Sexuality, Diversity, and Ethics,” 205.

<sup>78</sup> Ibid., 206.

<sup>79</sup> Ibid.

<sup>75</sup> Kugle, “Sexuality, Diversity, and Ethics,” 204.

<sup>76</sup> al-Ṭabarī, *Tafsīr*, 3: 464.

ual” (such as *zinā*, or male-female fornication and adultery) and, in other instances, to misdeeds that are entirely non-sexual in nature.

What Kugle fails to disclose, however, is the remainder of Jamal’s conclusions, many of which directly undermine his revisionist objectives. Jamal maintains in her conclusion that “[u]ndeniably, the moral terms associated with same-sex sexuality in the Qur’an ultimately give it a negative evaluation and deem it to be a sin. However, these same moral terms are often used to evaluate opposite-sex abominations such as adultery, fornication and/or incest, as well as other non-sexual practices, examples of which have already been outlined.”<sup>80</sup> It is remarkable that, even after she conducted a detailed, 88-page semantic analysis of no fewer than seventeen variant root words that appear in the story of Lot across fourteen different Qur’ānic *sūras*, Jamal’s conclusions regarding the “undeniable sinfulness” of same-sex sexuality are not considered probative by Kugle. Kugle’s appeal to semantic analysis is thus ultimately meaningless for his larger project. Far from supporting his effort to recast same-gender sexuality as morally neutral and religiously legitimate, an exhaustive semantic analysis of the Lot narrative—encompassing all of the operative terms on which it is based as they are used throughout the Qur’an—has led to the exactly opposite conclusion.

### *Kugle’s Thematic Analysis*

Kugle begins his section on thematic analysis by providing background on this approach and articulating how it differs in comparison to classical methodologies. According to Kugle, a thematic analysis accounts for the structural nuances and dialectic of the Qur’an more readily than classical commentaries, which allegedly ignore this dynamic.<sup>81</sup> It is nevertheless unclear how Kugle’s proposed thematic

<sup>80</sup> Amreen Jamal, “The Story of Lut and the Qur’an’s Perception of the Morality of Same-Sex Sexuality,” *Journal of Homosexuality* 41, no. 1 (2001): 69.

<sup>81</sup> My use of “allegedly” here is not to entirely disagree with or dismiss Kugle’s assertion. Many contemporary traditionalist scholars have argued much the same, stating that pre-modern exegesis was atomistic in its approach and insufficiently synthetic and thematic. Toward this end, Mustansir Mir states, “If there is one feature that almost all types [of exegesis] have in common, it is probably atomism. By atomism here is meant a verse-by-verse approach to the Qur’an.” See Mustansir Mir, *Coherence in the Qur’an* (Indianapolis: American Trust Publications, 1986), 1. That said, one must nevertheless consider the distinction between the activity of *exegesis*, which often concerned itself with elucidating the bare meanings of particular verses, and the process of *deriving law*, which oversees a greater integration of proof-texts, various rational considerations, and relevant social/cultural circumstances in order to arrive at authoritative rulings (in other words, the distinction between *tafsīr* and *fiqh*). With respect to the Lot narrative and same-gender sexual acts, one experiences this diversity of the legal tradition when evaluating discussions related to the *ḥadd* punishment for *liwāt*, a topic we will explore in the coming section on Ibn Ḥazm.

analysis differs from Jamal’s effort to evaluate the placement of recurrent terms used in the Lot narrative as found throughout the Qur’an. Setting this aside, Kugle demonstrates thematic analysis by using the example of water and how, depending on the context of the Qur’ānic passage and larger scriptural theme, the term water may refer to “liquid H<sub>2</sub>O” or elsewhere provide imagery as “rainfall, seas, or a means of ritual purification.”<sup>82</sup> Kugle notes that by employing a thematic analysis of water, we are forced to “examine the way our economies destroy the environmental interconnectedness that is the apparent conduit for Allah’s continuous creation and provision.”<sup>83</sup> Kugle’s thematic analysis of water, however, scarcely differs from the conclusions of classical commentaries and theologians. Many spoke of water as provision and essential to life and incorporated rainfall, seas, and ritual purification into their works. None of Kugle’s conclusions or interpretations on this score can be classified as revisionist, unprecedented, or uniquely insightful.

After having accused classical exegetes of ignoring thematic analysis entirely, Kugle turns to a different classical genre which he considers illustrative of the very type of thematic analysis which he advocates. The genre in question, known as *qaṣaṣ al-anbiyā*<sup>84</sup> (lit. “stories of the prophets”), is concerned with collecting

<sup>82</sup> Kugle, “Sexuality, Diversity, and Ethics,” 208.

<sup>83</sup> Ibid.

<sup>84</sup> The usage of the form *qaṣaṣ* in “*qaṣaṣ al-anbiyā*” is rooted in the Qur’an itself, in verses such as Q. (*Yūsuf*) 12:3: *Naḥnu naqūṣu ‘alayka aḥsan al-qaṣaṣi bi-mā awhaynā ilayka ḥadhā ‘l-Qur’ān* (“We recite unto thee the best of narrations (*qaṣaṣ*) in that We have revealed to thee this Qur’an”), as well as Q. (*Āl ‘Imrān*) 3:62, Q. (*Yūsuf*) 12:111, Q. (*al-Kahf*) 18:64, and Q. (*al-Qaṣaṣ*) 28:65. In addition to its use in the Qur’an, *qaṣaṣ* is also the dominant form employed in the works of scholars to refer to the “stories of the prophets” (*qaṣaṣ al-anbiyā*). Morphologically, *qaṣaṣ* is a kind of superlative verbal noun (*maṣdar*) of the verb *qaṣṣa*, *yaqūṣu* (“to narrate, recount, tell”) and as such is distinguished from the term *qīṣaṣ*, which is merely the plural of the common word *qīṣṣa* (“story,” “tale”). [See *al-Mu‘jam al-wasīṭ*, 4 ed., Majma‘ al-Lughā al-‘Arabiyya (Cairo: Maktabat al-Shurūq al-Dawliyya, 1425/2004), 740.] Commenting on Q. (*Yūsuf*) 12:3, al-Zamakhsharī notes that the *qaṣaṣ* of the Qur’an represent the best of stories, proffer the most excellent of lessons, and recount the most wondrous of matters (*‘ajā‘ib*) (Abū al-Qāsim Maḥmūd b. ‘Umar al-Zamakhsharī, *Tafsīr al-Kashshāf ‘an ḥaqā‘iq al-tanzīl*, ed. Khalīl Ma‘mūn Shihā (Beirut: Dār al-Ma‘rifa, 2009), 503). Al-Rāzī considers *qaṣaṣ* to denote the piecemeal and consecutive telling of a story through a series of verses (*āya ba‘da āya*) rather than as a complete and undivided whole. He also echoes al-Zamakhsharī’s stress on the rhetorical excellences implied by the term, remarking that “*qaṣaṣ*” connotes the superiority of the articulation (*bayān*) and rhetoric (*balāgha*) of the Qur’an over the ordinary *qīṣaṣ* of men. (See Fakhr al-Dīn al-Rāzī, *Maḥāṭib al-ghayb / al-Tafsīr al-kabīr* (Beirut: Dār al-Fikr, 1981), 18:87.) Though Kugle cites works in this genre under the title of “*Qīṣaṣ al-anbiyā*,” as is not uncommon in academic works written in Western languages, this usage represents a depar-

available reports about the various prophets mentioned in the Qurʾān and coalescing them into fluid, chronological narratives. To provide heft to his forthcoming usage of *qashaṣ* commentary, Kugle asserts that the practice of telling stories about the prophets was “just as old and *just as authentic* [emphasis mine] as making explicit commentaries on the Qurʾān.”<sup>85</sup> Such a statement can only charitably be described as dubious. In reality, the tradition of storytelling held very little authority in general, and has never held any at all in the fields of jurisprudence (*fiqh*) or theology (*ʿaqīda*).

In the formative period of Islam, a category of preachers emerged devoted to sermonizing to the masses in an accessible method by way of stories and narratives. Referred to popularly as “*quṣṣāṣ*” (‘storytellers,’ sing. *qāṣṣ*), the aim of the storyteller depended on context. In the battlefield, he was a motivator; in the mosque, a heart softener; in the streets, an admonisher or, at times, a performer. Scholars have differed with respect to the emergence of the *quṣṣāṣ*, with Khalil ʿAthamina dating their beginnings back to “at least one generation before the outbreak of the first civil war in 657 A.D.”<sup>86</sup> With the expansion of Islam into foreign territory, there appeared an urgent need to convey the teachings of the new religion to peoples for whom the native Arabic of the Qurʾān was inaccessible. To bridge this gap and to address new converts, *quṣṣāṣ* emerged in order to facilitate instruction, principally about the Qurʾān and its narrative stories.<sup>87</sup> ʿAthamina notes that “pious theologians exhibited a great degree of tolerance toward the phenomenon of *qashaṣ* itself, although they themselves considered it a negative innovation and a deviation from the rules of Islamic sunna.”<sup>88</sup> Eventually, the genre of *qashaṣ* deteriorated into what Charles Pellat has described as fraud and charlatanism.<sup>89</sup> Storytellers were cautioned against as they frequently interposed sporadic narratives from unnamed sources, myths, legends, and *Isrāʾīliyyāt* (patristic and midrashic traditions and folklore).<sup>90</sup> Though the Prophet Muḥammad (pbuh) permitted listening to tales and narrations from the previous Abrahamic communities, he cautioned his followers neither to accept nor to deny those narrations whose content could neither be specifically affirmed nor specifically negated on

the basis of Islam’s own authoritative revealed sources. (*Isrāʾīliyyāt* that flatly contradicted Islamic beliefs were, of course, to be rejected out of hand.)<sup>91</sup>

Preachers and scholars began documenting *qashaṣ* narrations in order to convey general benefits, lessons, and morals, but the very authors of such works themselves refrained from assigning their own narrations any probative value whatsoever in the critical fields of creed (*ʿaqīda*) and jurisprudence (*fiqh*). A well-intended preacher could take up the task of conveying stories to the masses, but scholars were keen to ensure that the scope and preaching of the *quṣṣāṣ* did not infringe upon the preserve of proper scholarly authority, especially where the Prophet Muḥammad (pbuh), the nature and attributes of God, and the rulings (*aḥkām*) of the Sharīʿa were concerned.<sup>92</sup> There is no work of *fiqh* that makes mention of a *qashaṣ* text as the prime evidence for determining a legal ruling. Therefore, to claim that *qashaṣ* works were *just as authentic* as exegetical commentaries—particularly in the field of legal derivation—constitutes a serious error that bespeaks a lack of familiarity with established Islamic legal norms and methods. Proper exegetical (*tafsīr*) works, on the other hand—and in sharp contrast to works of *qashaṣ*—were authored by prominent scholars throughout the ages, including the likes of Ibn al-Jawzī (d. 597/1116), al-Rāzī (d. 606/1209), al-Qurṭubī (d. 671/1273), and others. Walid Saleh has remarked that *tafsīr* “stands at the heart of the Islamic literatures produced in any age,” later describing it as the “most important bearer of religious thinking.”<sup>93</sup> It is for this reason that Gibril Haddad has stated that “[a]ll the great exegetes agreed on *tafsīr* as requiring mastery in the entire spectrum of the Islamic disciplines.” None of this can be said for the genre of *qashaṣ*.

Despite these glaring methodological errors, Kugle not only marshals *qashaṣ* literature enthusiastically as part of his revisionist epistemology, but consecrates it as *the* central piece in his effort to extract a more “reliable” understanding of the Lot narrative than what can be found in the established works of *tafsīr*. Toward this end, Kugle cites lengthy passages from the *qashaṣ* work of Muḥammad b. ʿAbd Allāh al-Kisāʾī (active 5<sup>th</sup>/11<sup>th</sup> c.),<sup>94</sup> which he states “quotes from earlier books that

ture from the practice of Islamic scholarship, whose standard term has always been *qashaṣ* for the various reasons cited above.

<sup>85</sup> Kugle, “Sexuality, Diversity, and Ethics,” 209.

<sup>86</sup> Khalil ʿAthamina, “Al-Qasas: Its Emergence, Religious Origin and Its Socio-Political Impact on Early Muslim Society,” *Studia Islamica* 76 (1992): 65.

<sup>87</sup> *Ibid.*, 61.

<sup>88</sup> *Ibid.*

<sup>89</sup> *Ibid.*, 55.

<sup>90</sup> See Coeli Fitzpatrick and Adam Hani Walker, *Muhammad in History, Thought, and Culture: An Encyclopedia of the Prophet of God* (Santa Barbara: ABC-CLIO, 2014), 461.

<sup>91</sup> See the *ḥadīth* of Abū Hurayra to the effect that “[t]he people of the Scripture (Jews) used to recite the Torah in Hebrew and they used to explain it in Arabic to the Muslims. Thereupon, Allah’s Messenger said, ‘Do not believe the people of the Scripture nor disbelieve them, but say: “We believe in Allah and in what was revealed to us.” [Q. (*al-Baqara*) 2:136],” cited in al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, no. 4125.

<sup>92</sup> See Jonathan Berkey, *Popular Preaching and Religious Authority in the Medieval Islamic Near East* (Seattle: University of Washington Press, 2011), 75-76.

<sup>93</sup> See Walid A. Saleh, *The Formation of the Classical Tafsīr Tradition: The Qurʾān Commentary of al-Thaʿlabī* (d. 427/1035) (Boston: Brill, 2004), 2.

<sup>94</sup> This dating is very rough. Due to al-Kisāʾī’s obscurity, even locating him to a particular century can only be done very approximatively. Current scholarship offers highly divergent dates, ranging anywhere from the 5<sup>th</sup>/11<sup>th</sup> to the 7<sup>th</sup>/13<sup>th</sup> century.

no longer exist.”<sup>95</sup> It is important to note that Kugle erroneously cites the al-Kisāʿī who wrote the *qaṣaṣ* work in question as ʿAlī b. Ḥamza al-Kisāʿī (d. 189/804), the famous transmitter of one of the seven canonical Qurʾānic readings, or *qirāʾāt*, and founder of an early school of grammar based in Kufa. Muḥammad b. ʿAbd Allāh al-Kisāʿī, however, the author of the later *qaṣaṣ* work in which Kugle anchors the bulk of his Qurʾānic revisionism, is by all counts an obscure figure. Little has been recorded about his life, his date of death is a matter of great uncertainty, and no other work has been attributed to him aside from his aforementioned *qaṣaṣ* collection, itself a marginal and relatively unknown work in the larger *qaṣaṣ* genre.

At any rate, in this lesser known al-Kisāʿī’s work, the Lot narrative is presented in a sequential, comprehensive format. The people of Sodom are reported to have been guilty of a variety of crimes, including idolatry and myriad forms of gambling. Concerned about foreign intrusion during a time of famine, Satan appears to them in the form of a man scolding them for not having safeguarded their orchards as they had their homes. He suggests that any foreign intruder be accosted and raped via anal intercourse. Heeding Satan’s advice, the inhabitants of Sodom become accustomed to such acts of violence and indecency until Lot appears to warn his people against them. Lot admonishes the people of Sodom for their iniquities, but to no avail. He remains with his people for some time, after which a group of angels appear in the form of men visiting the town. Lot takes the guests in immediately, fearful for them of his people’s debauched custom of penetrating men. Ultimately, the men of Sodom learn of the guests’ presence, charge Lot’s home despite his entreating them to take instead his daughters who are “purer for them,” at which point the angels reveal their true identity to Lot and invoke the punishment of God upon the people of Sodom. Soon after, the town is destroyed.

It is worth taking note of a glaring incongruence in Kugle’s epistemology. Elsewhere, he critiques the *ḥadīth* tradition for having insufficiently scrutinized the probity of individual *ḥadīth* reports.<sup>96</sup> Kugle laments that people nowadays “cite hadith without discussing the reliability of the hadith’s chain of narration or judging the authenticity of the report’s content to assess what level of certainty can be attributed to the knowledge the report conveys.”<sup>97</sup> *Ḥadīth*, he laments, have become weaponized by “neo-traditionalists” to further their own agenda, carelessly and without any concern for their authenticity. Kugle belabors the well-known point that the majority of *ḥadīth* reports are classified as non-definitive (*ẓannī*), in contrast to the certainty (*qaṭʿiyya*) of mass-transmitted (*mutawātir*) texts, a category

under which falls the entirety of the Qurʾānic text in addition to a relatively small number of *ḥadīth* narrations.<sup>98</sup> Indeed, Kugle makes much ado about the purported “unreliability” of *ḥadīth* and how they merely reflect a neo-traditionalist “vision of orthodoxy,” further charging that the few still trained to scrutinize *ḥadīth* credibility today have “abandoned their duty.”<sup>99</sup> In a dedicated chapter on *ḥadīth* in *Homosexuality in Islam*,<sup>100</sup> Kugle brings up reason after reason for rejecting *ḥadīth* reports otherwise designated *ṣaḥīḥ* (‘sound’)—a label he deems “optimistic”<sup>101</sup> and that merely serves to make otherwise tenuous reports appear more reliable than they really are.<sup>102</sup> It is curious indeed that Kugle reserves such great suspicion vis-à-vis the rigorously authenticated reports adjudged *ṣaḥīḥ* by centuries of *ḥadīth* scholarship only to lay enormous evidentiary weight upon *qaṣaṣ* materials from an obscure late author lacking any chain of transmission (*isnād*) or other evidentiary basis whatsoever.<sup>103</sup>

<sup>98</sup> Ibid., 75 (e-book, 134). The *ẓannī/qaṭʿī* dichotomy appears in works of jurisprudence as a form of epistemological classification. What is considered *ẓannī*, or non-definitive, can either refer to the actual transmitted tradition’s authenticity as not being mass-transmitted (*mutawātir*), or to the tradition’s meaning as being open to more than one interpretation. Conversely, a *qaṭʿī* tradition is definitive either due to its transmission via a multitude of sources, or due to its meaning being self-evident, unequivocal, and therefore not open to varying interpretations. This *qaṭʿī-ẓannī* distinction serves the interest of jurists as it pertains to the interpretive process involved in deriving legal rulings. In addition, the term *ẓannī* appears in theological works with regard to points of creed, specifically with respect to what constitutes disbelief: a believer, once fully cognizant that a *ḥadīth* has been attested via mass transmission (*tawātur*), has no epistemological basis upon which to contest the authenticity of the information contained in the report. To reject a *ḥadīth* conveyed by mass transmission would be theologically equivalent to rejecting a verse of the Qurʾān, both of which constitute an act of disbelief. Distinguishing between definitive (*qaṭʿī*) and non-definitive (*ẓannī*) *ḥadīth* reports serves various theological and legal purposes, but by no means renders non-definitive *ḥadīth* subject to casual dismissal. The Islamic tradition has collectively and unanimously made use of *ẓannī ḥadīth* for legal purposes, in conformity with conditions set out in detail by scholars of *uṣūl al-fiqh*. This subject is treated in depth in, e.g., ʿAbd al-ʿAzīz b. Aḥmad al-Bukhārī, *Kaṣṣ al-asrār ʿan Uṣūl Fakhr al-Islām al-Baḥdawī*, 3 ed. (Beirut: Dār al-Kitāb al-ʿArabī, 1997), as well as in the work of the 20<sup>th</sup>-century scholar ʿAbd Allāh Khallāf, *ʿIlm uṣūl al-fiqh*, 2 ed. (Cairo: Maṭbaʿat Nahḍat Miṣr, 1946). For related discussions in English, see Jonathan A. C. Brown, *Hadith: Muhammad’s Legacy in the Medieval and Modern World*, Foundations of Islam (Oxford: Oneworld Publications, 2009), 100-106, as well as 150-172 and 173-183.

<sup>99</sup> Kugle, *Homosexuality in Islam*, 75 (e-book 133).

<sup>100</sup> Ibid., 73-127 (e-book, 131-215).

<sup>101</sup> Ibid., 84 (e-book, 148).

<sup>102</sup> Ibid.

<sup>103</sup> In addition to a further obscure text (which we shall examine in our discussion of Qaṭṭ al-Dīn al-Rāwandī’s *qaṣaṣ* work below) that appears in a tertiary *ḥadīth* collection and is in all likelihood spurious.

<sup>95</sup> This claim, however, is pure speculation on the part of Kugle, as al-Kisāʿī himself includes no references to earlier works.

<sup>96</sup> See Kugle, *Homosexuality in Islam*, 74-75 (e-book, 133). Kugle describes as a “weakness in contemporary Islamic culture” an alleged lack of scrutiny applied to *ḥadīth*.

<sup>97</sup> Ibid., 75 (e-book, 135).



To his credit, Kugle anticipates such an objection, referring to it as a “possible critique” and averring that some may refer to al-Kisāʿī’s account of the people of Lot as a “‘fictional’ story.”<sup>104</sup> He admits that critics might “rush” to point out that al-Kisāʿī provides no reports with narrative chains extending back to the Prophet or to the Companions, dissimulating the fact that al-Kisāʿī in fact furnishes no reports with narrative chains *at all*.<sup>105</sup> Plying *qaṣaṣ* materials as reliable and authoritative, if not quasi-apodictic, while casually dismissing the majority of an entire genre of diligently scrutinized revelational statements—namely, *ḥadīth*—as merely speculative, is both epistemologically incoherent and radically at odds with the Islamic scholarly tradition under the rubric of which Kugle claims to be advancing his cause. This epistemological haphazardness is yet another demonstration of how committed Kugle seems to be to promoting anything that advances his revisionist account, no matter how tendentious the source or incoherent the methodology.

Moreover, Kugle is selective even when quoting from these dubious sources, citing only passages that support his goals and ignoring those that run counter to them. In his presentation of events, al-Kisāʿī cites Q. (*Hūd*) 11:78, “*He said, ‘O my people, these are my daughters; they are purer for you’*” in conjunction with the end of Q. (*al-Ḥijr*) 15:71, “‘*if indeed you must act*,’” then specifies, “meaning sexual intercourse.”<sup>106</sup> This passage occurs after the people of Sodom discover the presence of the handsome young men (in reality angels) residing at Lot’s home. When the men demand that Lot release his guests to them for sexual purposes, Lot responds by offering his daughters instead, stating that they are “purer” for them than his (male) guests. It is in this context that al-Kisāʿī interprets the purity mentioned by Lot as relating to sexual intercourse, directly implying that opposite-sex acts hold a purity that same-sex acts inherently do not. Yet Kugle fails to cite this passage from al-Kisāʿī’s account. He is also selective in his choice of *qaṣaṣ* works. Why, for example, is the renowned *qaṣaṣ* work of the famous Ibn Kathīr (d. 774/1373) ignored? Is it because Ibn Kathīr in that work states, “[The people of Sodom] invented an iniquity (*fāḥisha*) that none among the children of Adam had preceded them in committing by penetrating men sexually (*ityān al-dhukrān*) of all creatures, leaving what God had created of righteous female servants”?<sup>107</sup>

Recognizing the tenuous and rather fickle nature of the narrative transmitted in the work of al-Kisāʿī, Kugle attempts to buttress his “thematic analysis” with another *qaṣaṣ* work, this one by the 6<sup>th</sup>/12<sup>th</sup>-century Shiite author Quṭb al-Dīn al-Rāwandī

(d. 573/1177). Unlike the *qaṣaṣ* of al-Kisāʿī, al-Rāwandī’s *qaṣaṣ* work contains traditions with accompanying chains of transmission (*isnād*). There are two traditions that Kugle cites for his purposes, both of which he represents misleadingly. The first tradition begins with the Prophet (pbuh) asking the Angel Gabriel “why and how the people of Lut were destroyed.”<sup>108</sup> Gabriel responds by mentioning that the people of Lot did not clean themselves after excreting, did not purify themselves after entering into major ritual impurity (*janāba*), and refused to share food generously with others. The *ḥadīth* as presented in context, however, does not offer the foregoing as an exhaustive list: it makes no mention of highway robbery nor of “*coming with desire unto men instead of women*,” both explicitly (and, in the case of the latter, recurrently) highlighted in the Qurʾān. Nonetheless, Kugle uses this obviously partial listing—for are we to conclude that highway robbery is not a crime either since it too is absent from this listing?—in order to establish the “true” infidelity of Lot’s people: greed, avarice, covetousness, and the like, deliberately excluding same-sex intercourse in direct contradiction to the literal wording of the Qurʾān to which he claims such unwavering allegiance. Kugle then mentions a second tradition in al-Rāwandī’s work that speaks of the greed and avarice of Lot’s people, reporting that the people of Sodom engaged in sexual acts as a means of deterring travelers as well as impecunious and destitute petitioners. It was not, Kugle puts forth, consensual sex among men, but violent rape, of which the Sodomites were guilty.

In responding to this line of argument, it is important to bear in mind al-Rāwandī’s location as a medieval Shiite scholar. As in Sunni scholarship, Shiite scholars would not consider al-Rāwandī’s *qaṣaṣ* narrations anywhere near as probative as the authoritative Shiite *ḥadīth* collections known as the Four Books (*al-kutub al-arbaʿa*), *Nahj al-balāgha*, *Risālat al-ḥuqūq*, or one of the many other primary texts that form the central corpus of the Shiite tradition. In addition, Kugle applies absolutely no scrutiny whatsoever to the narrations he cites from al-Rāwandī. Are they sound? How have they been graded by scholars? What is known about their transmitters? Kugle reveals none of this information.

Secondly, Kugle is guilty yet again of selective citation. He makes no mention of the traditions surrounding the ones he cites that make explicit mention of same-gender intercourse among the iniquities of the people of Lot. These traditions include the following:

Abū Baṣīr reports from one of the two, may God’s blessings be upon them, concerning the verse “Do you commit iniquity (*ataʿtūna ʿl-fāḥisha*)”: Iblis came to them in the image of an effeminate youth wearing fine clothing. He exhibited attraction toward

<sup>104</sup> Kugle, “Sexuality, Diversity, and Ethics,” 213.

<sup>105</sup> Ibid.

<sup>106</sup> Muḥammad b. ʿAbd Allāh al-Kisāʿī, *Badʿ al-khalq wa qaṣaṣ al-anbiyāʾ*, ed. al-Ṭāhir b. Salama (Tunis: Dār Nuqūsh ʿArabiyya, 1998).

<sup>107</sup> Ismāʿīl b. ʿUmar Ibn Kathīr, *Qaṣaṣ al-anbiyāʾ*, ed. ʿAbd al-Ḥayy al-Farmāwī (Cairo: Dār al-Ṭabʿa waʾl-Nashr al-Islāmiyya, 1997), 243.

<sup>108</sup> Kugle, “Sexuality, Diversity, and Ethics,” 213.

them, directing them to have intercourse with him [as the passive partner] and they did so. Had he directed them to be the passive partner, they would have refused, but instead they grew to enjoy it. Then he left them as they were, and they continued [having intercourse] with one another after that.<sup>109</sup>

As can be seen, the foregoing tradition bears no resemblance to the narrative Kugle is attempting to advance. It paints same-sex intercourse as a phenomenon engendered by Satan and alleges that it predominated among youth (*shabāb*). Will Kugle grant this tradition legitimacy as well? Furthermore, the narration mentions nothing of rape or coercion whatsoever. In fact, it explicitly states that the youth grew to *enjoy* this activity and that they continued to practice it with each other—clearly in a consensual and mutually pleasurable manner—after Satan’s departure. It also paints taking pleasure in the passive role in anal intercourse (i.e., assuming the role of *maʿbūn*) as particularly repugnant to the natural constitution, or *fiṭra*, yet something that one can nevertheless grow to enjoy through repeated acts of indulgence.

In addition, Kugle misreads the second tradition he cites as being a commentary on the people of Lot, whereas in reality it is a commentary on the potential outcome of unrestrained avarice. The tradition states that if avarice is not controlled, one may eventually end up as sexually unbridled as the people of Lot. Kugle translates the end of the tradition as stating, “They would rape them (*faḍahahu*) without sexual need, in order to dishonor them. They persisted in this behavior until they began to search out men and *force themselves on them* [emphasis mine].”<sup>110</sup> A proper translation of the tradition, however, renders: “They would rape the visitor (*faḍahūhu*) without desire (*shahwa*). They persisted in this behavior until they sought out men and provided them compensation (*yuʿṭūna ʿalayhi al-niḥal*).” In context, although the people of Lot are initially described as suffering from rapaciousness, it is this same consumption—namely, of their own wealth and possessions—that leads them to raping visitors of the same gender, an act in which they engage over and over to the point that they then engage in *consensual* same-sex intercourse among themselves thereafter. Avarice, greed, same-sex forcible intercourse, and same-sex *consensual* intercourse all fall equally under the opprobrium of this narration. In fact, engaging in same-sex behavior with mutual consent and pleasure is, if anything, depicted as the ultimate moral outrage to which the others can eventually lead if left unchecked.

All this still leaves a fairly important loose end which Kugle needs to square away with the revisionist narrative he is attempting to construct: Lot’s daughters. Why

did Lot offer up his daughters to the people of Sodom when they came with sexual intent for his male guests? In order to reconcile this verse with the rest of his account, Kugle attributes the offering as a type of hospitality extended by Lot to his guests. To put it in other words, Kugle is asking us to believe that Lot was so troubled by the possibility of violent gang rape against his guests as reflecting poorly on his hospitality as a host that he was ready to offer up his own daughters *to be raped* by the people of Sodom instead! Kugle describes this gesture as a type of sacrificial offering that demonstrates the sacred need to defend unfamiliar guests over one’s very kith and kin.

Recognizing the implausibility of such an interpretation, Kugle revealingly abandons this reading in *Homosexuality in Islam*, where he enquires, “Would anyone believe that a Prophet would offer his daughters to assailants intent on rape, as if their raping women would make them ‘pure’?”<sup>111</sup> Kugle’s indignation at such a reading is extraordinary, particularly given that he himself had proposed this very interpretation only a few years prior. In Kugle’s earlier *Progressive Muslims* piece, he states, “When Lot offers up his family members (who happen to be female daughters) in exchange for his guests (who happen to be male visitors), he displays in most extreme terms the sacredness of protecting guests who are elevated even above the status of offspring.”<sup>112</sup> The revised hermeneutic in *Homosexuality* fails even to acknowledge this prior position. It makes no effort to reconcile the two, or perhaps to offer a reason as to *why* Kugle has modified his prior interpretation. As an alternative “exegesis,” he now insists in *Homosexuality* that Lot was making a “sarcastic comparison” intended to demonstrate the vile nature of the assailants’ ill intent.<sup>113</sup> Despite his best efforts to offer a more credible reading of the Lot narrative, Kugle leaves his reader with yet another far-fetched and most improbable interpretation. In this revised scenario, Lot’s mentioning of his daughters as being “purer” for the men is merely tongue-in-cheek and not intended to be taken literally. That Lot’s daughters are female is presented as merely accidental, with any focus on gender being put at the feet of sex-obsessed theologians bent on supporting their heterosexualist tribe—and this charge, despite the fact that the Qurʾān itself so unmistakably links the *female* gender of Lot’s daughters to the one and only reason on account of which they are “purer” for Lot’s people as sexual partners than his *male* guests.

Kugle’s reworked narrative is thus highly implausible in that it does not square with the verses of Lot in the Qurʾān and relies exclusively upon spurious later traditions from dubious sources, cited selectively and systematically misrepresented. Furthermore, Kugle’s project requires a complete dismissal of hundreds, if not

<sup>109</sup> Quṭb al-Dīn al-Rāwandī, *Qaṣaṣ al-anbiyāʾ*, ed. Ghulām Riḍā ʿIrfānyān (Iran: Majmaʿ al-Buḥūth al-Islāmiyya, 1989), 119, no. 119.

<sup>110</sup> Kugle, “Sexuality, Diversity, and Ethics,” 214.

<sup>111</sup> Kugle, *Homosexuality in Islam*, 56 (e-book, 102).

<sup>112</sup> Kugle, “Sexuality, Diversity, and Ethics,” 215.

<sup>113</sup> Kugle, *Homosexuality in Islam*, 56 (e-book, 102).

thousands, of past and present scholars as simply products of a “heteronormative economy” that became too dominant for anyone to oppose. It is, in brief, a revisionism that falls short and ultimately fails to convince in its attempt to construct an alternative reading of the Lot narrative.

## V. Comparing Homosexuality in Islam with Progressive Muslims Piece

Kugle’s original piece in *Progressive Muslims* was written in 2003, seven years prior to the publication of his dedicated work *Homosexuality in Islam* (2010). It is interesting to observe the incongruities between the two works, a few of which have been mentioned in the preceding sections. For one, Kugle maintains the importance of reviewing Qur’ānic themes, but makes no mention of *qaṣaṣ* works in *Homosexuality*. Al-Kisā’ī and al-Rāwandī make no appearance in this latter work—in stark contrast to the *Progressive Muslims* piece in which these two *qaṣaṣ* works form the backbone of his thematic analysis. In addition, Kugle in *Homosexuality* now maintains that the people of Lot were not simply guilty of sexual assault, but of infidelity as well. In this regard he writes:

The men who attacked Lot’s guests with the intent to rape them had wives and children, as they *do the men in lust besides the women* [*min dūn al-nisā’*], as the Qur’an (27:55) emphasizes through its grammar. It makes definite both “the men” whom they are sexually assaulting and “the women” with whom they already have sexual relationships. That the Qur’an makes these nouns definite (with *al-* or “the”) alerts the attentive reader to the specificity of Lot’s condemnation. [...] Their sexual assault was driven by their infidelity and their rejection of their Prophet.<sup>114</sup>

Contrary to what Kugle asserts, the grammar of these verses makes no indication at all that the men guilty of anally penetrating other men necessarily had wives or children. Kugle seems to assume that the Arabic definite article works just like the English one (i.e., *alif + lām* = “the”), which (in English) always refers to a specific, as opposed to a generic, referent. That the Arabic definite article, in contrast, can and often does refer to a generic class and *not* to a specific referent—as in the Latin languages and others—is an elementary point covered early on in any classical Arabic grammar or modern university Arabic course. Yet Kugle seems either to be ignorant of this basic grammatical feature of the Arabic language or to be obfuscating it deliberately in order to make a point that cannot be supported by a grammatically informed reading of the text. When, for instance, the Qur’ān states, “Verily, man (*al-insān*) is in loss,” it is not referring to one specific man, or to any particu-

lar set of individuals, but instead to mankind as a class. In Arabic grammar, this elementary use of “*al-*” is referred to as the generic definite article (*alif-lām al-jinsiyya*). Likewise, when Lot says, “Do you come with desire unto men (*al-rijāl*) instead of women (*al-nisā’*)?” he says this not in reference to any particular women, but in reference to *women as a class* (and, obviously, as distinctly opposed to *men as a class*). Had Lot meant to reference the men’s wives in particular, he would have said “your women” or perhaps “your wives,” yet Lot says no such thing.

Kugle attempts to bolster the aforementioned argument by citing Q. (*al-Shu‘arā’*) 26:165-166, which he translates as, “Do you do males from the wide world and leave what mates God has created for you? Indeed you are a people exceeding in aggression.” According to Kugle, Lot is specifying here that these men have mates (*azwāj*) to whom they are already married, such that they are guilty not only of sexually assaulting men, but of marital infidelity as well. Although the term “mates” (*azwāj*) can refer to spouses, this word often occurs in the Qur’ān to refer to men and women being mates of one another as a normative principle (in contrast to a realized fact). Both Q. (*al-Rūm*) 30:21 and Q. (*al-Shūrā*) 42:11, for example, state that God has “created (30:21) / made (42:11) for you mates from amongst yourselves (*khalaqa / ja‘ala lakum min anfusikum azwājan*).” Traditional exegetes make no mention of wives when commenting on the verses of *Sūrat al-Shu‘arā’* (26:165-166) cited above, instead interpreting them as indicating that the people of Sodom were solely interested in sex by anal penetration to the exclusion of vaginal intercourse, such that they not only partook in anal sex with men but with women as well.<sup>115</sup>

In addition, if we attempt to understand this verse alongside the passage where Lot offers his daughters up for marriage [see Q. (*Hūd*) 11:78], then the notion that the men in question were already married becomes even less probable. Presumably, if the men of Sodom already had wives to whom they could turn, Lot would have simply directed them to go to these (already existing) wives of theirs, rather than offering them his own daughters. Moreover, when one considers the common interpretation of “daughters” in Q. 11:78 as “women of the town,”<sup>116</sup> this only

<sup>115</sup> See al-Rāzī, *Mafātīh al-ghayb*, 24:161 and al-Zamakhsharī, *Kashshāf*, 767 for two examples, though this interpretation is repeated in a number of *tafsīr* works.

<sup>116</sup> This position is reported in multiple works of *tafsīr*. Al-Ṭabarī maintains this interpretation when he states, “O my people, these are my daughters—meaning the women of his *umma*.” See al-Ṭabarī, *Tafsīr*, 4:297. Al-Rāzī reports this position as being one of two interpretations of “daughters,” preferring it on account of: (i) it being contrary to manly virtue (*murū‘a*) for a prophet to marry his daughters to transgressors; (ii) the daughters of Lot being only a handful in number and inadequate for marrying the multitude of men at Lot’s doorstep; and (iii) the fact that the soundest report concerning Lot’s daughters is that he had only two, in which case the term “two daughters” (*bintayn*) would have been used, in

<sup>114</sup> Ibid., 55 (e-book, 100-101).

reinforces the conclusion that the verse is speaking not of wives, but of women more generally—i.e., the women of the town—who were created, as a generic class, to be spouses for the men. That Lot’s people responded to him in this passage by saying, “*You know well that we have no claim on your daughters, and indeed, you know what we want,*” only problematizes the interpretation of wives even further. The men’s “having no claim” on Lot’s daughters has been interpreted by exegetes in various ways. Al-Ṭabarī interprets it to mean that the men of Sodom were uninterested in marriage and as such had no claim upon Lot’s daughters as single, marriageable women.<sup>117</sup> Al-Zamakhsharī views the people of Sodom as having spurned male-female sexual acts so completely that they held marriage and male-female relations, in terms of normative belief and social practice, to be false and wrong (*bāṭil<sup>um</sup> madhhaban wa dīnan*), while accepting male homosexual intercourse as legitimate and right (*ḥaqq*).<sup>118</sup> Al-Rāzī attributes the men’s “having no claim” on Lot’s daughters to a lack of sexual interest in women given their exclusive desire for men.<sup>119</sup>

Given the lack of any precedent in the *tafsīr* tradition maintaining that the men of Sodom had wives, the common use of *azwāj* in non-matrimonial contexts, and Lot’s offering of “his daughters”—be it his lineal descendants or his “spiritual daughters,” the women of his town—to the men of Sodom, it is highly improbable that Kugle’s interpretation could be considered a valid rendering of the meaning of the verse in question. This is yet another incidence that demonstrates Kugle’s willingness to force his own agenda onto the text: he approaches the Qur’ān with a settled conclusion in mind and manipulates his interpretive approach when and as needed to arrive at already predetermined views.

## VI. Ibn Ḥazm and Homosexuality in Islam

Setting the allegations of infidelity aside, Kugle’s most significant addition to *Homosexuality in Islam* is the famous Andalusian jurist and litterateur Ibn Ḥazm (d. 456/1064) of Cordoba. Ibn Ḥazm is central to the book, with his name appearing recurrently in every chapter. Drawing from Ibn Ḥazm’s legal treatise *al-Muḥallā fī sharḥ al-Mujallā*, Kugle presents his chosen hero as gallantly confronting an ossified legal tradition in need of a radical make-over. Describing Ibn Ḥazm

as a “sexuality-sensitive”<sup>120</sup> interpreter of the Qur’ān, Kugle praises him time and again. Ibn Ḥazm’s interpretations, Kugle asserts, are informed by “a subtle theory of human nature,”<sup>121</sup> unlike others who exhibit no such understanding. Ibn Ḥazm is described as “fearlessly challenging” the “conclusions of common piety and chauvinistic self-righteousness.”<sup>122</sup> His erudition was so pronounced that he was “not only a jurist, but also an ethicist and literary author.”<sup>123</sup> Kugle at times refers to Ibn Ḥazm as “our guide,” idealizing his positions, methodology, and hermeneutic, which Kugle seems to want to claim as his own.<sup>124</sup>

Despite Kugle’s presentation of Ibn Ḥazm as the ideal juristic champion for those advocating the modern accommodation of same-sex behaviors in Islam, Ibn Ḥazm’s views concerning the prohibitedness of homosexual activity stand in direct opposition to Kugle’s project, as, in fact, they conform perfectly with the juristic consensus regarding the unconditional illicitness of such relations. This view does not come through clearly in Kugle’s work, however, as he presents Ibn Ḥazm’s endorsement of the consensus view on the prohibition of same-sex acts as subordinate to his breaking with the dominant opinion as to whether or not the act of sodomy (*liwāt*)—though categorically forbidden—rises to the level of a *ḥadd* crime. Although Kugle mentions Ibn Ḥazm’s agreement with the juristic consensus regarding the proscription of male-male sexual intercourse, this point stands as a side note to Kugle’s otherwise lengthy commentary on Ibn Ḥazm’s views on the issue of the *ḥadd*, replete with excerpts from *al-Muḥallā* giving the reader the impression that Ibn Ḥazm was not simply challenging the dominant *ḥadd* ruling, but the very understanding of the Lot narrative as in any way indicating the categorical prohibition of same-gender sexual intercourse.

A plain reading of *al-Muḥallā*—including the very passages in which Ibn Ḥazm challenges the dominant view of *liwāt* as a *ḥadd* crime—demonstrates indeed that Ibn Ḥazm held same-sex acts to be categorically prohibited. For example, in responding to theologians who differed over the question of whether male anal intercourse amounted to a capital offense, Ibn Ḥazm responds stating, “The ruling [for anal intercourse between two men] is that when an evil (*munkar*) appears, it is necessary by the order of the Messenger of God, may God’s peace and blessings be upon him, to alter that evil with one’s hands. Therefore, it is necessary to carry out

the dual form, instead of the plural “daughters” (*banāt*). Al-Rāzī reports this as the interpretation of Sa’īd b. Jubayr (d. 95/714) and Mujāhid (d. between 100/718 and 104/722) and states that prophets are “fathers” to their people as a normative matter, citing as evidence Q. (*al-Aḥzāb*) 33:6, “And his [the Prophet’s (pbuh)] wives are their [the believers’] mothers.” See al-Rāzī, *Mafātīḥ al-ghayb*, 18:33-34.

<sup>117</sup> al-Ṭabarī, *Tafsīr*, 4:298.

<sup>118</sup> al-Zamakhsharī, *Kashshāf*, 492.

<sup>119</sup> al-Rāzī, *Mafātīḥ al-ghayb*, 18:35.

<sup>120</sup> Kugle, *Homosexuality in Islam*, 52 (e-book, 95).

<sup>121</sup> *Ibid.*, 52 (e-book, 96).

<sup>122</sup> *Ibid.*, 27 (e-book 56).

<sup>123</sup> *Ibid.*, 52 (e-book, 95).

<sup>124</sup> *Ibid.*, 78 and 79 (e-book, 139 and 141).

discretionary punishment (*ta'zīr*) that the Messenger of God prescribed, may God's peace and blessings be upon him, and not to exceed that..."<sup>125</sup>

Elsewhere, in discussing tribadism (*siḥāq*), e.g., female-to-female genital contact, Ibn Ḥazm states:

It has been transmitted by way of Muslim upon the authority of Abū Bakr b. Abī Shayba, who reported from Zayd b. Ḥubāb, who reported through [omitting narrators] °Abd al-Raḥmān b. Abī Sa'īd al-Khudrī, who reported from his father that the Messenger of God, may God's peace and blessings be upon him, said, "Let no man see another man's °*awra*,<sup>126</sup> nor a woman see another woman's °*awra*; [likewise] let no man lie uncovered (*yufḍi ilā*) under the same sheet as another man, nor a woman lie uncovered under the same sheet as another woman."<sup>127</sup>

[And] it has been transmitted [omitted narrators] that °Abd Allāh b. Mas'ūd said, "The Messenger of God, may God's peace and blessings be upon him, forbade two women from lying uncovered skin to skin beneath a single sheet, lest one describe the other to her husband as if he saw her."<sup>128</sup>

<sup>125</sup> Abū Muḥammad °Alī b. Aḥmad Ibn Ḥazm, *al-Muḥallā fī sharḥ al-Mujallā bi'l-ḥujaj wa'l-āthār*, ed. Hassān °Abd al-Mannān (Riyadh: Bayt al-Afkār al-Dawliyya, 1431/2009), 2221. Can be accessed at: [https://library.islamweb.net/hadith/display\\_hbook.php?bk\\_no=661&pid=328595&hid=1686](https://library.islamweb.net/hadith/display_hbook.php?bk_no=661&pid=328595&hid=1686).

<sup>126</sup> The term °*awra* refers, in one sense, to that part of the body that must be covered in front of marriageable members of the opposite sex. There is additionally an °*awra* that one must maintain with unmarried kin such as one's father, mother, sister, or brother upon reaching maturity, as well as an °*awra* that must be maintained even before other members of the same sex.

<sup>127</sup> See Muslim, *al-Jāmi' al-ṣaḥīḥ*, no. 338. Can be accessed at: <http://sunnah.com/muslim/3/90>.

<sup>128</sup> Both this *ḥadīth* and the one immediately preceding it offer a commentary with respect to the Companions of the Prophet, who ordinarily slept dressed down, meaning in clothes that did not fully cover their °*awra*. Clothing was difficult to come by and few had the wealth to afford multiple pairs of clothing. In addition, it was commonplace for two men or two women to share a blanket at night time. Depending on the size of the blanket, these men or women might inadvertently make contact during the night, and the *ḥadīth* reports cited here outline guidelines for what is permissible in such circumstances. Legal scholars have understood these *ḥadīth* to mean that should two men or two women happen to share the same sheet, they must have something separating them if they are not observing the minimum °*awra* that must be covered. Others, however, such as Shams al-Ḥaqq al-°Azīmābādī, have regarded the sharing of a blanket between two men or two women as categorically impermissible, irrespective of whether such a separation exists or not. For details, see al-Nawawī, *al-Minhāj*, 315-316 (can be accessed at: <http://library.islamweb.net/newlibrary/>

And it has been reported [omitted narrators] that Ibn °Abbās said, "The Messenger of God, may God's peace and blessings be upon him, cursed men who imitate (or take on the appearance of) women (*al-mutashabbihīna min al-rijāl bi'l-nisā'*) and women who imitate (or take on the appearance of) men."<sup>129</sup>

These lucid passages prohibit two men from lying uncovered and in contact with each other and two women from lying uncovered and in contact with each other, for both are, like the other, transgressions against God, and this is the same whether it ensues between two men or two women. If a woman uses her genitalia [in intimacy with another woman], then the prohibition is even greater and the vice exponentially graver. Should a woman enter into her vagina other than that which has been made lawful of her husband's pudendum, or what is used to contain her menstruation, then she has not preserved her chastity..."<sup>130</sup>

Ibn Ḥazm proceeds to state that in the case of sexual acts between two women, discretionary punishment (*ta'zīr*) must be applied to discourage moral depravity and prevent the proliferation of vice. Of course, *al-Muḥallā* is not the only text in which Ibn Ḥazm discusses same-sex acts. In *Ṭawq al-ḥamāma*, in a chapter entitled "Of the Vileness of Sinning," he states:

As for conduct like that of the people of Lot, that is horrible and disgusting. Allah says, "Will ye commit an abomination which no living creature ever committed before you?" (Koran VII 78). Allah hurled at the offenders stones of clay stamped with a mark (cf. Koran XI 84). Malik is of the opinion that both parties of this offence are to be stoned, whether they are married or not. Some of his followers cite in support of this doctrine the words of God, touching the stoning of the Sodomites, "And stones are not far

[display\\_book.php?flag=1&bk\\_no=53&ID=935](http://library.islamweb.net/newlibrary/display_book.php?flag=1&bk_no=53&ID=935)) and Muḥammad Shams al-Ḥaqq al-°Azīmābādī, °*Awn al-Ma'būd, sharḥ Sunan Abī Dāwūd*, 1 ed. (Riyadh: Maktabat al-Ma'ārif li'l-Nashr wa'l-Tawzī', 2009), 1723-1725 (can be accessed at: [http://library.islamweb.net/newlibrary/display\\_book.php?flag=1&bk\\_no=55&ID=6973](http://library.islamweb.net/newlibrary/display_book.php?flag=1&bk_no=55&ID=6973)).

<sup>129</sup> Note that this *ḥadīth* refers to deliberate imitation of the opposite sex, particularly in dress (al-Bukhārī, for instance, places this *ḥadīth* in his chapter on clothing). It does not cover those aspects of a person that might resemble the other sex but that are inborn (*khilqī*) or not deliberately taken on by the person, and it certainly does not refer to popular notions of "manhood" which regard emotional detachment, aggression, and sexual prowess as fundamental markers of masculinity.

<sup>130</sup> Ibn Ḥazm, *al-Muḥallā*, 2225. Can be accessed at: [http://library.islamweb.net/newlibrary/display\\_book.php?idfrom=2401&idto=2401&bk\\_no=17&ID=2343](http://library.islamweb.net/newlibrary/display_book.php?idfrom=2401&idto=2401&bk_no=17&ID=2343).

away from those who commit iniquity” (Koran VI 84): accordingly the stones are near to those who commit iniquity after a like manner today. This is not however the place to enter into a discussion of the divergence of opinions held concerning this question. Abu Ishaq Ibrahim Ibn al-Sari informs us that Abu Bakr burnt alive a man convicted of this offence; Abu ‘Ubaida Ma‘mar Ibn Muthanna relates that the name of the man so burnt was Shuja‘ Ibn Warqa’ al-Asadi; Abu Bakr burnt him alive because he allowed himself to be used in sodomy.<sup>131</sup>

The intelligent man has ample diversions to escape from the commission of sins. Allah has forbidden nothing, without having provided for His servants lawful substitutes, which are seemlier and more excellent than the thing prohibited. There is no God but He!<sup>132</sup>

<sup>131</sup> It should be recalled that this text appears in a chapter entitled “Of the Vileness of Sinning” and is cited as a deterrent against wrong action. As we have mentioned, Ibn Ḥazm in fact disagrees with these positions and regards the narrations as inauthentic, as detailed in his *al-Muḥallā*, but he quotes them here nonetheless to caution his reader about the enormity of the sin of male-male sexual acts.

<sup>132</sup> See Ibn Ḥazm, *The Ring of the Dove*, 258-259. Can be accessed at: <http://www.muslimphilosophy.com/hazm/dove/ringdove.html#ch29>. Earlier in the same section (ibid., 245-246), Ibn Ḥazm recounts his disapproval of two men eying each other conspicuously and repeatedly disappearing into privacy at a party. He states: “I remember that I was at a reception with some friends; the party was being given by one of our wealthiest burghers. I observed one of the guests, and a member of our host’s family who was also present, behaving in a manner of which I strongly disapproved; they were ogling each other quite disgustingly, and withdrawing into privacy time and time again.” Ibn Ḥazm reports that he tried, through verse and many not so subtle hints, to alert the host to such untoward behavior so that he might put an end to it, but to no avail. “So I held my peace,” he says, “not knowing whether he really did not grasp my meaning, or whether he was only pretending to be stupid. I do not remember ever going to his parties again. I composed the following little poem in his honour:

“I have no doubt, of all mankind,  
You have the least suspicious mind,  
Secure, as all good Muslims ought  
To be, in faith, intention, thought.

“I think you ought to be aware  
Men bend for other things than prayer;  
And you have certainly taught me,  
Not everyone with eyes can see!”

“Wake from your daydreams! Don’t you know  
This very evening So-and-so,  
A guest whom you invited in,  
Committed a most grievous sin?”

As can be seen from the aforementioned passages, Ibn Ḥazm, like those both before and after him, upheld the requirement of sexual restraint unless enacted within the religiously legitimate confines of (male-female) matrimonial or (male-female) ownership contexts. Otherwise, sexual appetite was something that had to be disciplined, not indulged and “accommodated” on the basis of its mere presence. So committed was Ibn Ḥazm to this objective that he called for discretionary punishment (*ta‘zīr*) as a means to curb the proliferation of sexual immorality, including—very explicitly—all forms of same-sex erotic behavior. Although he disputed with other scholars over their consideration of *liwāṭ* as a *ḥadd* crime due to his categorical rejection of analogical reasoning (*qiyās*) in matters of law, Ibn Ḥazm never demurred on the question of whether or not same-sex sexual behavior was prohibited. In fact he energetically upheld this prohibition, objecting only to the application of a *ḥadd* penalty for either sodomy (*liwāṭ*) or tribadism (*siḥāq*)<sup>133</sup>—acts which he, along with all other Muslim jurists, held to be not only sinful in the eyes of God but even punishable in this world as well, albeit according to the discretionary powers of the judge rather than as a divinely mandated *ḥadd* penalty.

## VII. Sloppy Scholarship

There are a number of stray claims strewn throughout Kugle’s work that are simply unsustainable upon investigation. Though many could be listed, a few include:

- Kugle’s claim that *fusūq* is synonymous with the worship of idols.<sup>134</sup> Kugle argues that *fusūq* informs the term *fāḥisha* and that when one understands *fusūq* normatively as a rejection of God and worshiping of idols, then *fāḥisha* must be viewed in this light as well. In reality, *fisq* and its cognates appear throughout the Qur’ān in various contexts. Q. (*al-Mā’ida*) 5:108 uses the term *fāsiqūn* to speak of those who falsify oaths; Q. (*al-An‘ām*) 6:121 states that eating meat over which God’s name has not been pronounced is *fisq*; Q. (*al-An‘ām*) 6:145 identifies the consumption of blood, carrion, and swine as *fisq*; and Q. (*al-Mā’ida*) 5:47 states that judging by a ruling other than God’s is *fisq*. None of these verses pertain to idol worship.<sup>135</sup>

<sup>133</sup> Albeit an uncommon view, considering tribadism (*siḥāq*) subject to a *ḥadd* penalty is a position Ibn Ḥazm attributes to Ibn Shihāb al-Zuhri (d. 124/741-2). For more details, see Ibn Ḥazm, *al-Muḥallā*, 2224-2225. Can be accessed at: [http://library.islamweb.net/newlibrary/display\\_book.php?idfrom=2401&idto=2401&bk\\_no=17&ID=2343](http://library.islamweb.net/newlibrary/display_book.php?idfrom=2401&idto=2401&bk_no=17&ID=2343).

<sup>134</sup> Kugle, “Sexuality, Diversity, and Ethics,” 201.

<sup>135</sup> Linguistically, the trilateral root *f-s-q* denotes disobedience and straying from the command of God. Inclining toward transgression, departing from the path of righteousness and truth, and breaking out of (as something breaks through a crease, or the morning emerges

- Kugle claims that Islam has accepted not only matrimonial relationships (permanent, and the case of Shiite law possibly temporary as well), but also slavery and, he claims, “*less formally legalized relationships*” [emphasis mine].<sup>136</sup> In point of fact, *no* relationships other than the two mentioned (marriage and ownership) are permitted anywhere in the Qurʾān, *ḥadīth*, or Islamic Law. Islam’s alleged “acceptance” of “less formally legalized relationships,” which Kugle seems to want to use as a door to smuggle in modern-day homosexual relationships, is nothing but a figment of his imagination.
- Kugle states that the Qurʾān often uses the term *fawāḥish* (“iniquities”) in the plural when relating the narrative of Lot,<sup>137</sup> when in fact the exact opposite is the case: the Qurʾān *never* uses the plural *fawāḥish* in reference to the people of Lot. Rather, it uses the singular *fāḥisha* each and every time—and in the immediate context of “*coming with desire unto men instead of women.*” Kugle’s intended point here is that in using the plural *fawāḥish*, the Qurʾān is not singling out the same-sex conduct of the men of Lot’s people, but rather indicting a range of unethical conduct of which they were guilty. Although it is true, as previously mentioned, that the people of Lot were guilty of a number of misdeeds recorded in the Qurʾān, it is only the singular *fāḥisha* that appears in the Qurʾān’s repeated denunciation of the homosexual practices of the men of Sodom—their most oft repeated and, therefore, characteristic sin.

### VIII. Conclusion

There is an old Pakistani adage that can loosely be translated as, “Those who cannot dance always say the floor is crooked.” This statement is often used to inveigh against those who suffer shortcomings and consequently assign culpability for their shortcomings to everyone (and everything) else. This adage certainly applies in the case of Scott Kugle’s Qurʾān revisionism. The Qurʾān’s and the Shariʿa’s proscription of homoerotic behavior is, according to Kugle, to be explained away by identifying a panoply of “culprits” that must be blamed for having

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from the darkness during *fajr*) are all definitions included in classical lexical works. See, for example, Ibn Manẓūr, *Lisān al-ʿArab*, 6/3413-3414; Aḥmad Ibn Fāris, *Muʿjam Maqāyīs al-lughā*, ed. ʿAbd al-Salām Muḥammad Hārūn, 6 vols. (Beirut: Dār al-Fikr li’l-Ṭibāʿa wa’l-Tawzīʿ wa’l-Nashr, 1399/1979), 4/502; and, Ismāʿīl b. Ḥammād al-Jawharī, *al-Ṣiḥāḥ, tāj al-lughā wa ṣiḥāḥ al-ʿArabiyya*, ed. Aḥmad ʿAbd al-Ghafūr ʿAṭṭār, 4 ed., 7 vols. (Beirut: Dār al-ʿIlm li’l-Malāyīn, 1990), 1543.

<sup>136</sup> Kugle, “Sexuality, Diversity, and Ethics,” 193.

<sup>137</sup> Ibid., 217.

“misread” the Qurʾān and the Prophetic Sunna throughout all of Islamic history. It was the scholars of *ḥadīth* who failed to inspect traditions thoroughly enough, the exegetes who were guilty of “definition and substitution,” the jurists who were unable to overcome their “disempowerment” in the face of a dominant patriarchy, and the Muslim community writ large that has failed to take the foregoing culprits sufficiently to task.

As an alternative, Kugle proposes a hermeneutic that lacks any internal consistency and rests upon a number of grave methodological infirmities. As I have demonstrated in the foregoing, much of Kugle’s argumentation relies on frequently misleading citations from the classical sources, the omission of relevant materials that run counter to his narrative in favor of partial quotations drawn selectively from the most dubitable of sources, mischaracterization of the positions of the classical jurists and others,<sup>138</sup> the transposition of modern categories onto the classical literature in a manner that distorts the meaning of this latter when viewed in its own context, et al. In many instances, Kugle simply dismisses the established disciplines of Islamic law, theology, and exegesis outright while staking enormous claims on a tenuous body of late, unsourced *qashaṣ* materials. Yet even this material can only be gerrymandered into yielding the desired outcome when invoked selectively and in a decidedly decontextualized manner. Kugle depends heavily on the contributions of Ibn Ḥazm, but invokes his chosen standard bearer again selectively and, once more, only when it suits his agenda. As we have seen in the preceding section, Kugle’s revisionist project is, in fact, explicitly belied by Ibn Ḥazm’s own unflinching condemnation of all forms of homoerotic behavior—even as he retains apparent sympathy for those subject to same-sex and other unrequitable forms of love and desire. Kugle’s precarious handling of the source materials is only compounded by numerous conceptual incongruences, logical non sequiturs, and glaring contradictions, often at the most critical junctures of his argument. Most significantly, Kugle’s stated attempt to bypass the “speculative assertion[s]”<sup>139</sup> of the (entire) Islamic tradition in favor of an allegedly “literal” reading of the Qurʾān favorable to homosexual practice yields an imaginative reconstruction of the people of Lot that is itself speculative in the extreme and that, despite Kugle’s insistence to the contrary, fails to offer an even minimally plausible interpretation of the relevant Qurʾānic verses, the “literal specificity”<sup>140</sup> of which he claims—against all countervailing evidence—to be the champion.

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<sup>138</sup> Such as, e.g., the assertion that “jurists in the classical period did not reach consensus about the legal status of anal sex between men” (ibid., 216), which refers only to how *liwāṭ* (sodomy) should be categorized for purposes of determining *punishment*, not that there was no consensus about the “legal status” of it as being rigorously prohibited (*ḥarām*).

<sup>139</sup> See ibid., 204.

<sup>140</sup> Ibid., 200.

It should be clear by now that the revisionist reading of the Qurʾān Kugle offers in an attempt to accommodate same-sex behavior as religiously permissible in Islam has fallen well short of its stated objective. The Lot narratives in the Qurʾān are simply too clear and their meanings too obvious for this brand of hermeneutic adventurism to be anything other than a non-starter. In Islamic Law, matters such as the categorical prohibition of homosexual behavior constitute what scholars have termed *maʿlūm min al-dīn bi'l-ḍarūra*, that is, matters “known by necessity to be part and parcel of the faith.” God is One, Muḥammad (pbuh) is His Messenger and final prophet, prayers are required five times a day, fasting is obligated in the month of Ramadan, and other foundational beliefs and practices are all included within this category. The proscription of same-sex behavior, too, falls within this category—right along with the well-known and undisputed prohibition of other acts such as fornication, adultery, drinking alcohol, gambling, murder, theft, and others.

For an argument to have intellectual integrity, it must at the very least be honest with the sources and tradition it seeks to interrogate. At some point, one must admit when one is wrong. At times, it is not the floor that is crooked, but we who cannot dance.

*And Allah knows best.*

## Appendix: Qurʾānic Verses Regarding the People of Lot

### a) *Sūrat al-Aʿrāf, 7:80-84*

*(80) And (mention) Lot, when he said to his people, “Do you commit iniquity (fāḥisha) such as none in creation have committed before you? (81) Verily you come with desire unto men instead of women. Nay, you are a people transgressing (beyond bounds).” (82) But the reply of his people was but to say, “Turn them out from your town! Truly they are people who keep themselves pure.” (83) So We rescued him and his household, save his wife; she was of those who stayed behind. (84) And We brought down upon them a rain (of stones). See then how was the fate of the wrongdoers.*

**Synopsis:** Beginning with a confrontation, Lot reproaches his people for “*coming with desire unto men instead of women*.” This verse is repeated in the passage related to Lot in *Sūrat al-Naml* (27:54-58) and is closely related to the verses in *Sūrat al-Shuʿarāʾ* (26:16-175), where Lot rebukes his people not only for approaching men with desire, but for doing so at the expense of those whom God has created for them as mates, namely, women. Annoyed by Lot’s preaching, the people threaten him with eviction and castigate Lot and those with him for “*keeping themselves pure*.” Interestingly, the people of Lot employ the term “pure” in reference to Lot and those who follow him, in apparent contrast to themselves who delight in impure and foul deeds. It is not a stretch to state that these men no longer viewed purity as a virtue and designated Lot and his followers as “pure” as a form of disparagement, akin to contemporary notions of “prudishness” frequently alleged against those who maintain pre-marital celibacy. When God rains down His punishment upon the town, Lot and his followers are saved with the exception of his wife, who is described elsewhere as an example of someone who, along with the wife of Noah, disbelieved in and betrayed (*khānat*) her righteous husband. Accordingly, her matrimonial relationship “*availed her naught before God*.” (See *Sūrat al-Taḥrīm*, 66:10.)

### b) *Sūrat Hūd, 11:77-83*

*(77) And when Our messengers [the angels] came to Lot, he was anguished on their account and constrained from helping them. And he said, “This is a trying day!” (78) And his people came hastening un-*



to him, and before they had been working evil deeds. He said, "O my people, these are my daughters; they are purer for you. So fear God and disgrace me not with respect to my guests. Is there not among you a right-minded man?" (79) They said, "You know well that we have no claim on your daughters, and indeed, you know what we want." (80) He said, "Would that I had strength against you or could take refuge in a strong support." (81) They (the angels) said, "O Lot! Verily we are the messengers of your Lord; they shall never reach you. Set out with your family during a portion of the night and let not any among you look back, save your wife; indeed, she shall be struck by that which strikes them. Indeed, their appointment is [for] the morning. Is not the morning nigh?" (82) Then when Our command came, We turned (the town) upside down and rained upon them stones of baked clay in layers, (83) marked [for punishment] with your Lord; nor are they ever far from those who do wrong.

**Synopsis:** Lot is visited by three men who, unbeknownst to him, are angels in human form. Concerned for their welfare as foreigners in Sodom, Lot feels anguish on their account and takes them into his home as guests. News spreads in Sodom that three foreign men are staying with Lot, with some exegetes contending that it was Lot's wife who spread the word. Others also describe the men as possessing immense beauty such that the people of Lot, having made male-male sexual relations normal, would naturally incline toward the handsome out-of-towners and demand sexual intimacy with them. Surely enough, the people of Lot surround his home and demand that he give his guests up to them to indulge their sexual designs. Lot entreats the men to consider instead his daughters, as they are "purer" for them. Exegetes have differed as to whether the daughters in question are Lot's lineal descendants, or whether the phrase "my daughters" (*banātī*) refers to the women of the town in general (as prophets are the spiritual "fathers" of their peoples)—the very women these men have abandoned in their pursuit of other men. The phrase "having no claim" on Lot's daughters has been understood by exegetes in various ways (as discussed in the body of the article). Distressed by the men's response to him, Lot expresses his helplessness to his guests, at which point they unveil their angelic ontology and mission. The angels instruct Lot to set out with his family and followers with the exception of his wife, who suffers God's punishment alongside the people of Sodom on the following morn.

### c) *Sūrat al-Ḥijr, 15:57-77*

(57) He (Lot) said, "What is your purpose, O messengers?" (58) They said, "We have been sent to a people (deep) in sin, (59) except for the family of Lot. Verily, we shall rescue them all, (60) save his wife; we decreed that she shall surely be of those who stay behind." (61) So when the messengers came to the household of Lot, (62) he said, "Verily you are a people unfamiliar." (63) They said, "Nay, but we have come to you with that [torment] over which they were disputing. (64) And we have come to you with truth, for verily we are truthful ones. (65) So set out with your family during a portion of the night and follow behind them, and let not any among you look back, but go on to where you are commanded." (66) We made this decree known to him: that the last remnants of those (profligates) would be cut at early morn. (67) And the people of the city came, rejoicing. (68) He said to them, "These are my guests, so disgrace me not. (69) Fear you God and put me not to shame." (70) They said, "Did we not forbid you from [protecting] all the people?" (71) He said, "Here are my daughters, if indeed you must act." (72) Verily, by your life [O Prophet], they wandered in their intoxication to and fro. (73) And the blast seized them at sunrise, (74) and We turned (the city) upside down and rained down upon them stones of baked clay. (75) Verily in that are signs for those who discern (by way of tokens). (76) Verily, it (the city) was [situated] on a path still standing. (77) Verily in that is a sign for those who believe.

**Synopsis:** This passage begins with the angelic guests who have set out to destroy the people of Sodom after bearing witness to their prodigal and sinful behavior. Lot recognizes them as strangers, whereupon the guests reveal to him their true identity and mission. They instruct Lot and his family to vacate Sodom during the night, before the descent of God's wrath upon the town. Prior to nightfall, the men of Sodom learn of the presence of Lot's guests and demand to have sexual relations with them. Lot entreats the men to fear God and not to shame him as a host. Frustrated by Lot's repeated admonishments, they tell him not to interfere. Lot once again offers the men his daughters in order to prevent them from pursuing other men. (See the explanation of "daughters" in the above synopsis related to *Sūrat Hūd*). Intoxicated by their lust and desires, they wander to and fro until the punishment of God seizes them at sunrise.

d) *Sūrat al-Anbiyā*<sup>9</sup>, 21:74-75

(74) And to Lot (also) We gave judgment and knowledge, and We delivered him from the town that was working filthy deeds (*al-khabā'ith*). Indeed, they were an evil, licentious folk. (75) And We admitted him (Lot) into Our Mercy, for truly he was among the righteous.

**Synopsis:** The town of Sodom is described as committing “filthy deeds” and being home to an “evil, licentious folk.” Lot, by contrast, is a man of judgment and knowledge, as granted to him by his Lord. A righteous and dedicated prophet, Lot is admitted into the Mercy of God.

e) *Sūrat al-Shu‘arā*<sup>9</sup>, 26:160-175

(160) The people of Lot belied the messengers. (161) Behold, their brother Lot said to them, “Will you not be mindful (of God)? (162) Indeed, I am a faithful messenger unto you, (163) so fear you God and obey me. (164) I ask from you no reward for it; my reward is only with the Lord of the Worlds. (165) Of all creatures do you come unto males, (166) leaving what your Lord has created for you from your mates? Nay, but you are a people transgressing (the bounds).” (167) They said, “O Lot! If you desist not from this, you shall surely be driven out.” (168) He said, “I am, in truth, of those who loathe your deed.” (169) “My Lord, deliver me and my family from what they do!” (170) So We delivered him and his family altogether— (171) save an elderly woman (his wife) who stayed behind. (172) Then We destroyed the others, (173) and We brought down upon them a rain (of stones); Evil was the rain of those who had been warned! (174) Verily in that is a sign, yet most of them do not believe. (175) And verily, your Lord—He is the Exalted in Might, the Merciful.

**Synopsis:** Lot is described as the “brother” of his people, which for some exegetes indicates that he was indigenous to the land of Sodom. The people of Sodom are told to have fear of God and to obey Lot, who seeks no financial gain or position of worldly authority among them. Alongside his message of obedience, Lot chides his people—as he does elsewhere in the Qur’ān—for leaving those (i.e., women) whom God has created for them as mates and instead coming with desire unto men. Al-Rāzī, al-Zamakhsharī, and others interpret “leaving what your Lord has created for you from your mates” as

indicating a sole interest in sex by anal penetration rather than vaginal intercourse. The people of Lot respond by threatening Lot with eviction. Undeterred, Lot expresses his disapproval of their conduct and once again beseeches God for salvation. God saves Lot and his entire family, with the exception of his wife who is described as “an elderly woman who stayed behind.” The people of Sodom suffer God’s punishment—a torrent of clay stones that rains down upon them leveling the town (see passage from *Sūrat al-Hijr*).

f) *Sūrat al-Naml*, 27:54-58

(54) And (mention) Lot, when he said to his people, “Do you commit iniquity (*fāḥisha*) with eyes wide open? (55) Do you indeed come with desire unto men instead of women? Nay, but you are a people behaving foolishly.” (56) The reply of his people was but to say, “Turn Lot’s family out from your town! Truly they are people who keep themselves pure.” (57) So We delivered him and his family, save his wife; We decreed that she would be from those who stay behind. (58) And We brought down upon them a rain (of stones); Evil was the rain of those who had been warned!

**Synopsis:** Like the passages in *Sūrat al-A‘rāf*, Lot here scolds his people for “coming with desire unto men instead of women.” He expresses indignation that they would engage in such an act with their “eyes wide open” (*waantum tubṣirūn*). Al-Zamakhsharī understands the verb *tubṣirūn* in this verse as a reference to the sight of the heart (*baṣar al-qalb*) which serves as a kind of moral compass. Accordingly, the people of Sodom are described as knowing that male-male sexual acts are immoral, for God created women for men and vice versa. Al-Rāzī also mentions this as a possible interpretation, adding to it the possibility that the people of Lot partook in homosexual intercourse publicly with no attempt to conceal their misconduct. Committing debauchery in full view of others, they are described as committing this “iniquity” with their “eyes wide open.” In response, the people resolve to turn Lot and his followers out from the town, describing them as “people who keep themselves pure” (see passage from *Sūrat al-A‘rāf* and accompanying commentary). God saves Lot and his family with the exception of his wife, who remains behind to suffer the punishment of Sodom.

g) *Sūrat al-ʿAnkabūt*, 29:28-35

(28) And (mention) Lot, when he said to his people, “You commit iniquity (fāḥisha) such as none in creation have committed before you. (29) Do you indeed come unto men, and cut off the road, and practice evil deeds in your assemblies?” The reply of his people was but to say, “Bring upon us God’s punishment, if you are among the truthful.” (30) He said, “My Lord, support me against the people who work corruption.” (31) And when Our messengers came unto Abraham with glad tidings, they said, “We shall surely destroy the people of this town; truly its people are wrongdoers.” (32) He said, “Verily, Lot is in it.” They said, “We know better who is in it. We shall surely deliver him and his household, except for his wife: she is of those who stay behind.” (33) And when Our messengers came to Lot, he was anguished on their account and constrained from helping them. They said, “Fear not, nor grieve. Verily we shall deliver you and your family, save your wife; she is of those who stay behind. (34) Verily we shall bring down upon the people of this town a punishment from Heaven for their having acted iniquitously.” (35) And We (God) have left of it a clear sign for a people possessed of reason.

**Synopsis:** Here the people of Lot are reproached not only for “coming unto men” as in other passages, but additionally for “cutting off the road” and “practicing evil deeds in [their] assemblies.” Cutting off the road here refers to highway robbery, whereby the people of Lot would ambush travelers, kill them, and apprehend their goods (this interpretation is reported by al-Zamakhsharī and Ibn Kathīr). As for the “evil deeds” they would practice in their gatherings, exegetes have differed regarding what this refers to. Some have interpreted it as meaning that they committed homosexual acts in view of others (a view attributed to Mujāhid), whereas others understood it as referring to them saying and doing vulgar things such as telling obscene jokes, passing gas and laughing (an opinion Ibn Kathīr attributes to ʿĀʾisha), and other such indiscreet and unbecoming conduct. Hereupon, the people of Lot invite the punishment of God, after which Lot beseeches the help of his Lord. The angelic messengers first visit Abraham to inform him of Sodom’s destruction prior to arriving at the iniquitous town. Concerned, Abraham inquires after Lot. The messengers assure him of the safety of Lot and his family, save his wife who will be destroyed alongside the people of Sodom. The messengers arrive in Sodom and address themselves to Lot, revealing their mission and reassuring Lot of his and his family’s safety—with the exception of his wife.

h) *Sūrat al-Ṣāffāt*, 37:133-136

(133) Truly Lot was among the messengers. (134) We delivered him and his family altogether— (135) save an elderly woman (his wife) who stayed behind. (136) Then We destroyed the others.

**Synopsis:** Like the passage in *Sūrat al-Shuʿarāʾ*, Lot’s wife is described here as an “elderly woman who stayed behind.” Lot is confirmed as being a messenger of God, and his people (including his wife) are destroyed on account of their disobedience.

i) *Sūrat al-Qamar*, 54:33-40

(33) The people of Lot belied the warnings. (34) Verily We unleashed against them a stone-bearing wind, except the family of Lot; We delivered them ere the dawn— (35) as a favor from Us. Thus do We reward the thankful. (36) And indeed he had warned them of Our onslaught, but they disputed the warnings. (37) And they sought to lure him from his guests so We sealed their eyes (and said), “Taste My punishment and [the fulfilment of] My warnings!” (38) And there came upon them by morning an abiding penalty. (39) “Taste My punishment and [the fulfilment of] My warnings!” (40) And verily We have made the Qurʾan easy for remembrance, so is there any who will remember?

**Synopsis:** In addition to the torrent of clay raining down upon the people of Sodom, the men who sought after Lot’s guest are described as having their eyes sealed (perhaps as recompense for committing iniquity with their “eyes wide open,” as per *Sūrat al-Naml*, 27:54 discussed above). Lot warned his people time and again of an impending punishment if they did not reform their ways in accordance with God’s command, but they ignored him and denied his prophetic mission. As a result, they found themselves subject to a terrible punishment that stands as a warning for those who carelessly and defiantly disobey the command of God.

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